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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Tuesday 22 September 2020

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Virtual participation in proceedings commenced (Order, 4 June).

[NB: [V] denotes a Member participating virtually.]

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

Sentencing White Paper: Public Protection

Christian Wakeford (Bury South) (Con): What plans he has to include proposals on improving the protection of the public in the forthcoming sentencing White Paper. [906339]

Simon Fell (Barrow and Furness) (Con): What plans he has to include proposals on improving the protection of the public in the forthcoming sentencing White Paper. [906340]

Jonathan Gullis (Stoke-on-Trent North) (Con): What plans he has to include proposals on improving the protection of the public in the forthcoming sentencing White Paper. [906354]

Mr Speaker: I call the birthday boy.

The Lord Chancellor and Secretary of State for Justice (Robert Buckland): Thank you, Mr Speaker.

Last week, I published a White Paper entitled “A Smarter Approach to Sentencing”, which sets out my plans to crack down on crime and keep dangerous criminals in prison for longer. It signifies a fundamental shift in our approach to sentencing towards one that is fairer, smarter and, ultimately, better protects the public. The measures I have announced include the abolition of automatic halfway release for certain serious sexual and violent offenders, and we will also introduce a new power to prevent automatic release if a prisoner poses a danger such as a terrorist threat.

Christian Wakeford: May I start by wishing the Secretary of State a happy birthday?

The use of technology to prevent crime is developing rapidly. From drones and predictive analytics to biometrics, technology is helping to keep our cities, towns and rural communities safer. How will the Government work with expert organisations to ensure that we use the best technology to tackle crime and protect local communities from burglars and robbers?

Robert Buckland: My hon. Friend is right to talk about changes in technology that can be harnessed to improve the way in which we monitor offenders and drive out crime. The White Paper contains important measures to utilise GPS technology. For example, we will use electronic location monitoring to track burglars following their release from custody. That will allow probation to monitor the whereabouts of an offender and, where appropriate, share that data with the police, which will help in the investigation and prosecution of further offences.

Simon Fell: Protecting the public cuts both ways. I welcome the plans in the sentencing White Paper to ensure that those convicted of the most serious crimes spend longer in prison, but given the impact of covid on the court system, those on remand face long delays to have their cases heard. What plans does my right hon. and learned Friend have to ensure that those in that position will see justice sooner rather than later, the public will be protected and community tensions will be tamped down as much as possible?

Robert Buckland: My hon. Friend will be glad to know that, as a result of the hard work of Her Majesty’s Courts and Tribunals Service and the judiciary, we are already reaching a turning point in our magistrates courts, with disposals exceeding receipts. In the Crown court, we continue to scale up jury trials, with more than 100 jury trials being heard every week in our Crown courts. We will have 250 courtrooms ready for jury trials by the end of October, which includes using existing capacity, with safety measures such as Perspex screens, up to 30 Nightingale courtrooms, experiments with different court hours and a range of measures that are designed to reduce the wait for the victims of crime.

Jonathan Gullis: I thank the Lord Chancellor for his answer. Tragically, in Stoke-on-Trent North, Kidsgrove and Talke, we are plagued with county lines gangs, who take advantage of some of the most vulnerable people in my community. What steps are the Government taking in the White Paper to tackle county lines offences and ensure that these vile offenders are punished with the full force of the law?

Robert Buckland: My hon. Friend is right to talk about the scourge of county lines. Like me, he will welcome the investment of £25 million by the Home Office to boost law enforcement efforts by not only local police forces but the British Transport police, who are doing incredible work across our railway network, which I have seen at first hand. The Sentencing Council for England and Wales is currently revising its guidelines for drug offences. It is important to note that, among the plethora of county lines is the exploitation of vulnerable children and young people, and that needs to be fully reflected by the investigating and prosecuting authorities.

Mr David Lammy (Tottenham) (Lab): May I, too, wish the Secretary of State a happy 52nd birthday?

Sentencing reform is needed, but on its own it is not enough. The truth is that most criminals will be released from prison at some point, and if they are not rehabilitated when they are released, they will commit further crimes and create new victims. This Government’s prisons simply are not working. Six out of every 10 offenders who serve less than 12 months in prison reoffend. A recent

Public Accounts Committee report accused the Government of a “staggering” failure on the prison estate. Does the Secretary of State plan to publish a cross-departmental plan to reduce reoffending within the next three months, as the PAC recommended last week?

Robert Buckland: I thank the right hon. Gentleman for his kind comments.

The right hon. Gentleman can be reassured that in response to the Committee’s findings, the Government are working across Departments. I think that is vital, because he will share my belief and understanding that the Ministry of Justice alone cannot solve these issues; it takes the Department for Work and Pensions, the Department for Education and the Department of Health and Social Care working together. That is why the Prime Minister’s Cabinet Committee, the crime taskforce, meets regularly. Indeed, on its agenda are our ambitious targets to improve offender employment and resettle offenders in a more co-ordinated way to reduce reoffending. He will see the results of that work very shortly.

Criminal Justice System: Covid-19

Mick Whitley (Birkenhead) (Lab): What assessment he has made of the effect of the covid-19 outbreak on service users and victims in the criminal justice system. [906341]

The Parliamentary Under-Secretary of State for Justice (Alex Chalk): The Government are determined that victims should receive the help and support they need to cope and recover during the pandemic. In addition to existing funding, the Government have provided £76 million to support victims of modern slavery, domestic abuse and sexual violence, as well as vulnerable children and young people. We have set up the victims and witnesses silver command, which consists of the Victims’ Commissioner, the Domestic Abuse Commissioner and others, to identify needs fast and deliver support to the frontline.

Mick Whitley: Even before the pandemic, young people often endured terrible conditions on the prison estate, and things have grown much worse since the pandemic began. Many young people have found themselves locked up in their cells for 22 hours a day and face-to-face learning has ended. Education and training play an essential role in reducing reoffending and improving the wellbeing of prisoners. Will the Ministry of Justice consider introducing virtual rehabilitation and education classes while prisoners remain under tight restrictions due to covid?

Alex Chalk: I was expecting a question about victims, but the hon. Gentleman rightly raises an important issue about prisons. The answer to the point he raises is: yes, we are doing it.

Mr Speaker: It might help victims if you did; I think that is the answer.

UK Internal Market Bill: Rule of Law

David Linden (Glasgow East) (SNP): What assessment he has made of the implications of the UK Internal Market Bill for his responsibilities in upholding the rule of law. [906342]

Anna McMorrin (Cardiff North) (Lab): What recent assessment he has made of the effectiveness of his Department’s role in helping ensure that the Government is compliant with the rule of law. [906343]

Marion Fellows (Motherwell and Wishaw) (SNP): What assessment he has made of the implications of the UK Internal Market Bill for his responsibilities in upholding the rule of law. [906365]

The Lord Chancellor and Secretary of State for Justice (Robert Buckland): I am absolutely committed, under the oath I took as Lord Chancellor, to upholding the rule of law; the freedoms and protections we all enjoy rely on it, and as a responsible Government, we remain wholly committed to it. At all stages, as a responsible Government, we must ensure that we have the ability to uphold our commitments to the people of Northern Ireland. We will do what it takes to protect the integrity of our United Kingdom.

David Linden: I believe the right hon. and learned Gentleman, but millions wouldn’t. The Bar Council and the Law Society of England and Wales say that clauses 41 to 45 of the Bill

“enable Ministers to derogate from the obligations of the United Kingdom under international law in broad and comprehensive terms and prohibit public bodies from compliance with such obligations. They represent a direct challenge to the rule of law, which include the country’s obligations under public international law.”

They are not wrong, are they?

Robert Buckland: With respect to those organisations, with which I engage almost daily, it is important that as a result of any potential conflict that might occur between domestic and international law, we make provisions as a responsible Government to prepare for the worst. That is the honest and upfront approach, as opposed to confession and avoidance in the event of any international dispute. Members must remember the context: these powers will be triggered only if there is a material breach by the EU, and we have set out examples on the Government website.

Anna McMorrin: May I wish the Secretary of State a happy birthday? He will be delighted to know that he shares his birthday with my little dog, who is two today.

Mr Speaker,

“the Government are acting recklessly and irresponsibly... It will lead to untold damage to the United Kingdom’s reputation and puts its future at risk.”—[*Official Report*, 21 September 2020; Vol. 680, c. 668.]

Not my words, but those of the former Conservative Prime Minister just yesterday in this House. With the Government ready to break international law, can the Secretary of State please explain to my constituents in Cardiff North why there is one rule for them and another for this Government?

Robert Buckland: I thank the hon. Lady for her kind remarks.

Attractive and charismatic though the hon. Lady’s remarks might sound, they do not bear any scrutiny at all. The reality is that we are preparing for a situation that we do not wish to come about. It would have been

far easier for us to ignore the matter and kick the can down the road, but it is far better to be upfront about the potential dispute. I hope and expect that it will never come, because we will get the deal and the Joint Committee will resolve its deliberations accordingly.

Marion Fellows [V]: May I also wish the Lord Chancellor a happy birthday? With age may come wisdom.

The Lord Chancellor has said that he will resign only if the Government break the law in a way that is unacceptable. Thousands of ordinary members of the public were fined for breaking lockdown regulations, while Dominic Cummings did so with impunity. Can the Lord Chancellor explain to those people what criteria he uses to distinguish between acceptable and unacceptable breaches of the law?

Robert Buckland: I thank the hon. Lady for her kind remarks. The issue is very straightforward. If we are in a position where the EU has acted in material breach of its own treaty obligations, meaning that acts to the active prejudice of the United Kingdom are being occasioned, then we will act.

Sir Robert Neill (Bromley and Chislehurst) (Con): I also wish the Lord Chancellor a happy birthday. I calculate that I have known him for about half his life. Throughout that time, I have never had the slightest doubt as to his integrity and his commitment to the rule of law. Does he accept that the important changes that the Government accepted in the course of the Committee stage yesterday would not have happened without some pressure from the Back Benches, and without his very close personal and direct involvement in making changes to the Bill and to the test that the Government will apply. That was precisely because he, I and many others are committed to the rule of law. Ad hominem attacks to the contrary are unworthy and unjustified.

Robert Buckland: I am extremely grateful to my hon. Friend. He is right to remind us that personal attacks are no substitute for real debate. What he has done, and what I have sought to do, is, at all times, to make sure that we find a way through these problems. Brexit has thrown up unprecedented challenges to a Government in peacetime. I never pretended that it was going to be anything other than a difficult road. He shares that view and, through his constructive work and the work that I and others have done, this House has a lock on these matters, and, indeed, I think the way is much clearer and much more satisfactory.

Mr David Lammy (Tottenham) (Lab): On 30 July 2019, in the Royal Courts of Justice, the Lord Chancellor made an oath that no other member of the Cabinet is required to make. He said:

“I do swear that in the office of Lord High Chancellor of Great Britain I will respect the rule of law”.

Lord Keen, the Advocate General for Scotland, and Jonathan Jones, head of the Government’s Legal Department, resigned because the Government’s internal markets Bill does not respect the rule of law. May I ask the Lord Chancellor whether he thinks that Lord Keen and Jonathan Jones got it wrong and, if so, how? If not, may I ask him how he can turn up in this House with a straight face after voting to betray his oath and break the law?

Robert Buckland: That is a very serious allegation to make. I took that oath in English and Welsh—I took it twice—and I believe in it in both languages, indeed in any language. I am sorry that the right hon. Gentleman takes that view. As he has just heard from my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), I have done everything that I possibly can consistent with that oath to make sure that this Government act in a way that is consistent with the rule of law. That is what is happening. This House is directly involved, quite properly, in these serious deliberations. Amendments are being made to this Bill as we speak, and the contingency in which these exceptional provisions are to be used has been clearly set out. These are unprecedented times. We do not want to see a breach in any obligations either by us or by the EU, but it would be irresponsible if we did not make those necessary preparations. That is why I am here, and that is why I will continue to be here as long as I feel able to discharge my oath, and I can tell him that, thus far, I feel very able to discharge my oath.

Mr Lammy: It is not me who takes that view. Every living Prime Minister takes that view. The Bar Council and the Law Society take that view. The Lord Chancellor previously said that the Government can indeed break the law if it can be fudged, but there is no fudging this—not only does the Bill breach the international law, it is also a flagrant attack on the rule of law at domestic level, and he knows it. As the Bingham Centre states, clauses 42, 43 and 45 authorise a breach of any relevant international or domestic law, including any order, judgment or decision of any international or domestic court. I say to the Lord Chancellor that he is an esteemed barrister and he swears to a code of conduct. Does he not now risk bringing the profession into disrepute by breaching that code of conduct, which states:

“You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession”?

Robert Buckland: I really find it extraordinary that the right hon. Gentleman brings the code of conduct into these matters. Like him, I am acting as a Member of Parliament. I am acting as a Minister in the Government—*[Interruption.]* I am not a Law Officer; I am the Lord Chancellor. The Law Officers of this country are the Attorney General, the Solicitor General and the Advocate General for Scotland. I do not give legal advice to the Government. I am not a Law Officer.

However, every member of the Government is obliged to follow the rule of law. It is very clear. I take a particular oath to uphold that and to defend the judiciary. As I have explained, I have absolutely no qualms about what has been happening. I have worked extremely hard to make sure that this House is fully involved. I say to the right hon. Gentleman that the idea that the passage of this Bill is a breach of UK domestic law is just plain wrong, and to misquote me is unhelpful, misleading and damaging, frankly.

Joanna Cherry (Edinburgh South West) (SNP): The Bill affords the United Kingdom Government the power to breach obligations that they freely entered into less than a year ago, rather than employ the dispute mechanism that they agreed to. When Lord Keen resigned as Advocate General, he wrote to the Prime Minister that he found it

increasingly difficult to reconcile what he considered to be his obligations as a Law Officer with the Government's policy intentions. The highly respected former Attorney General the right hon. Dominic Grieve has said that the Lord Chancellor's position is even more clear cut than that of the Law Officers, and that the Lord Chancellor has taken

"an oath of office to uphold or protect the rule of law. The rule of law includes international law...his position is untenable."

Are both these senior distinguished QCs, Lord Keen and Dominic Grieve, wrong? If not, why is the Lord Chancellor still in office?

Robert Buckland: The hon. and learned Lady is right to draw attention to Lord Keen. I pay tribute to his long service in the Government as Advocate General for Scotland, and I was sorry to hear of his resignation. I do not believe that it was necessary, bearing in mind the important changes that have been made to the Bill.

I think that the position is now very clear. The hon. and learned Lady talks of breach, but as I will remind the House again, the eventuality or potential use of these clauses would be only if the EU was in material breach of its obligations, and therefore we would be facing a breakdown. I remind her again that of course we will use the withdrawal agreement mechanism and the arbitral mechanisms within the provisions of the withdrawal agreement, and indeed the Northern Ireland protocol, too. It is not a question of us abandoning our obligations; we will use them, but this is the "break glass in case of emergency" provision that underlies and will protect the United Kingdom's position if we face such a breakdown.

Joanna Cherry: Lord Keen's resignation was in keeping with the highest traditions of the Scottish Bar. The Lord Chancellor has said that he wants us to consider his own actions as an MP and a Minister rather than as a lawyer, so I put this to him. In 2018, in the Gulf case, England's Court of Appeal ruled that a Government Minister's overarching duty to comply with the law includes international law and treaty obligations, even though these are no longer explicitly stated in the ministerial code. This Bill gives the Lord Chancellor and other Ministers the power to run a coach and horses through their obligations under the withdrawal agreement. I know that Conservative Members do not like hearing that, but that is the reality. In the light of what the English Court of Appeal has said, just how is this Bill compatible with his oath as the Lord Chancellor to uphold the rule of law?

Robert Buckland: As I have said to the hon. and learned Lady, the contingency that underlines the coming into force and use of these powers is a very narrowly and clearly delineated one. I do not believe, as I have said in public, that we are at that stage, and I do not believe we will get to that stage, if both parties renew their efforts, act in good faith and double down on making sure that we get a resolution. It would have been far easier for us to avoid the issue, to pretend that there was not going to be a problem, and then to hit the new year with an avalanche of difficulties when it came to Northern Ireland and its relationship with the rest of the United Kingdom. Members of this House would have rightly criticised us, and, frankly, we would have been in an indefensible position. This is a tortuous

process. I reject her allegations—her assertions. We will continue to govern responsibly and consistent with our obligations under the rule of law.

Access to Justice

Stephanie Peacock (Barnsley East) (Lab): What assessment he has made of the effect of the backlog of cases in HM Courts and Tribunals Service on access to justice. [906344]

Kerry McCarthy (Bristol East) (Lab): What assessment he has made of the effect of the backlog of cases in HM Courts and Tribunals Service on access to justice. [906349]

Gareth Thomas (Harrow West) (Lab/Co-op): What assessment he has made of the effect of the backlog of cases in HM Courts and Tribunals Service on access to justice. [906371]

The Parliamentary Under-Secretary of State for the Home Department (Chris Philp): I am delighted to report to the House that the recovery of our court system following the coronavirus pandemic is very well under way. The magistrates court is recovering strongly. Disposals last week exceeded 21,000, which is more than the number of receipts, and therefore the outstanding caseload went down, as it has gone down for each of the past five weeks. In relation to the Crown court, the recovery of jury trials continues strongly, and last week over 100 were held.

Stephanie Peacock: The majority of court cases have been moved from Barnsley and are taking place in Sheffield, increasing the likelihood of losing witnesses and, in some cases, victims. Prosecutions are already at record lows thanks to this Government's record on law and order. Does the Minister accept that drastic measures need to be taken to reduce the backlog of cases and increase access to justice?

Chris Philp: Drastic measures are being taken. We have recently invested £153 million to improve court buildings. We have just invested, in the past few weeks, an extra £80 million to support criminal courts, including the recruitment of 1,600 extra HMCTS staff. In addition to that, we have opened 10 emergency Nightingale courts with 16 courtrooms, and a further eight such Nightingale courts with 13 courtrooms will be opened in the course of September and October. The steps that that hon. Lady is calling for have been and are being taken.

Kerry McCarthy: From next week, the maximum period that someone can spend in pre-trial custody for Crown court cases will be increased to 238 days. I am particularly concerned that this includes children, as well as adults, on remand. At the moment in the prison estate, there is a higher proportion of children on remand among children in custody than there has been for a decade. What can we do to make sure that juveniles, in particular, get a speedy hearing and do not spend so much time in custody when they may very well be innocent?

Chris Philp: The hon. Lady is quite right to draw attention to custody time limits. Of course we want to get cases heard as quickly as possible because people on remand may well be found not guilty subsequently. I do

agree with her sentiments about children. I know that when judges look at listing cases, they are very mindful of that. By the end of October, we will have 250 Crown court jury trial rooms operating, which will enable us to really get through these cases as quickly as we possibly can.

Gareth Thomas: Shopworkers have faced rising violence in recent years, and yet too often the perpetrators are not being brought to justice, partly, at the moment, because of lengthy backlogs in court hearings. Industry experts, business and trade unions are all calling for greater legal protection for shopworkers and for more investment in the court system. When are Ministers going to listen?

Chris Philp: Ministers have listened. I have already explained that we have just announced an extra £80 million to support court recovery, on top of the £153 million to improve the court estate just a short time ago. As regards sentencing, the hon. Member will, I am sure, welcome the sentencing White Paper published last week, which imposes tougher penalties on serious offenders and keeps them in prison for longer. He mentions outstanding caseloads. I would remind him that the outstanding caseload in the Crown court, even with coronavirus, is lower today than it was in 2010, so we have managed to run the court system more effectively with coronavirus than the last Labour Government did without it.

Alex Cunningham (Stockton North) (Lab): The Minister outlines a different picture from that outlined by the Bar Council, which I met last week. It told me that covid-compliant courts throughout the country are running under capacity. Even after yesterday's announcement, only a handful of the promised 200 Nightingale courts are in place. Magistrate numbers have halved since 2012, and there is a huge shortage of judges. Court listings are in chaos, with trial dates being set way into 2022. To top it all off, HMCTS is the only Government agency for which there is still no covid risk-assessment template agreed with PCS. The Lord Chancellor said he was looking forward to the spending review with relish; I sincerely hope that means that proper funding is on the way. When can we expect this mess to be sorted out and the buckling court system fixed, so that it can deliver for those it serves and employs?

Chris Philp: I have already pointed out that the Crown court case load is lower today than it was in 2010 under the Labour Government. I have also pointed out that the magistrates courts, to which the hon. Gentleman referred, are disposing of more cases now than they are receiving: the backlog, or the case load, is going down and has been for each and every one of the past five weeks. The hon. Gentleman mentions custody and the time until hearings; in August, 84% of Crown court cases for which the defendant was in custody were listed for trial before February next year. We are working at pace and investing at pace. The recovery of our criminal justice system after this coronavirus epidemic is well and truly under way.

Public and Private Prisons

Grahame Morris (Easington) (Lab): What comparative assessment he has made of levels of (a) violence and (b) staffing in (i) public and (ii) private prisons. [906345]

The Minister of State, Ministry of Justice (Lucy Frazer):

Levels of violence in our prisons remain too high, but I am pleased to say that we are on a downward trend in respect of assaults. In January to March this year, assaults on staff decreased by 5% on the three previous quarter, and in the latest quarter the number of assaults on staff decreased by a further 4%. Decreases have been seen across the public and private estate. We have also seen a net rise of almost 4,000 prison officers in bands 3 to 5 since 2016. We do not hold figures for the number of staff at private prisons as we measure performance in a different way.

Grahame Morris: I thank the Minister for that response. I had hoped that even this Government would accept the link between prison understaffing and high levels of violence. Why are the Government building a new generation of private prisons that will have no minimum staffing levels and no requirements for private operators to reveal staff numbers as they will not be subject to freedom of information requests? Frankly, this is an appalling policy of "Don't ask me any questions and I won't tell you any lies."

Lucy Frazer: As I mentioned, we have increased the number of staff in the public sector. We have also introduced the key worker scheme, which is essential for staff to liaise with the prisoners. Private prisons perform well, as do public prisons. Recent reports from this year for HMP Parc and HMP Rye Hill, which are both managed by G4S, judged both to be good. There is not a mantra that public is good, private is bad; both work well.

Reoffending Reduction

Rob Butler (Aylesbury) (Con): What steps his Department is taking to reduce reoffending. [R] [906346]

Mark Fletcher (Bolsover) (Con): What steps his Department is taking to reduce reoffending. [906361]

The Minister of State, Ministry of Justice (Lucy Frazer): Reoffending rates are too high, resulting in some individuals repeatedly posing a danger to their communities and the undermining of public confidence in the criminal justice system. Last week, we published the sentencing White Paper, which sets out measures to better supervise and support offenders following their release from custody. It includes proposals for changes to the rehabilitation periods set out in the Rehabilitation of Offenders Act 1974, to improve access to employment and education for those with criminal records.

Rob Butler: I recently visited MTCnovo's hub for offenders from Aylesbury and was impressed by the dedication and commitment of the staff, as well as of those completing their sentences there. Does my hon. and learned Friend agree that a vital element of reducing reoffending is having enough well-trained and skilled probation officers who can thoroughly oversee and supervise sentences?

Lucy Frazer: I absolutely agree with my hon. Friend. I thank all the staff at MTCnovo and Thames Valley community rehabilitation company. My hon. Friend is absolutely right to say that dedicated prison officers are a key part of reducing reoffending, which is why last

month we launched the probation workforce strategy, setting out our commitment to recruit an additional 1,000 probation officers by the end of January next year. It is about not just recruiting staff but how we work with them and invest in their skills. We will be focusing on their skills, recruitment, retention, diversity, leadership and wellbeing.

Mark Fletcher: Communities across the Bolsover constituency are desperate to see serial reoffenders punished, and that requires a level of innovation. What innovative approaches to reoffending is the Department taking?

Lucy Frazer: I welcome my hon. Friend's question on innovation. Our sentencing White Paper sets out a number of innovative ways of reducing reoffending, and I will mention just two. First, my hon. Friend mentioned prolific offenders, and we would like to deal with prolific burglars by tagging them so that when we release them from prison, we know where they go and prevent them from committing further acquisitive crime. Secondly, we want to help people turn their lives around through community treatment programmes, ensuring that offenders get the support—including the drug addiction treatment and mental health support—they need to enable them to turn their backs on crime.

Young People in Custody: Covid-19

Cat Smith (Lancaster and Fleetwood) (Lab): What assessment he has made of the effect of the covid-19 outbreak on young people in custody. [906348]

Mrs Emma Lewell-Buck (South Shields) (Lab): What assessment he has made of the effect of the covid-19 outbreak on young people in custody. [906356]

The Minister of State, Ministry of Justice (Lucy Frazer): I am very aware of the difficulties that many children in custody have faced over the covid period. I recently had a remote meeting with all the governors of the youth estate to discuss the impact of covid on young people in custody. As a result of that discussion and what we have heard, we have prioritised and focused on ensuring a return to face-to-face education and social visits, which are vital to young people's mental health. I am pleased to say that we have already recommenced both of those across the youth estate.

Cat Smith: With the second wave of covid fast approaching, will the Minister set out what plans she has to ensure that all young people and children in custody can access proper face-to-face education and rehabilitation, which are so vital for those vulnerable young people?

Lucy Frazer: The hon. Member is absolutely right to focus on the importance of education. It is something that the Government have prioritised for the community as a whole, and it is absolutely right that we mirror that in our youth custody estate. That is why we have prioritised education in the youth estate as against the adult estate in the first stage of opening up, and it is why all such institutions are now open. We are looking at lessons learned. As we plan for the next phase of restrictions and closures in the community, we will be looking carefully and closely at how we deal with education.

Mrs Lewell-Buck [V]: Despite Ministers' previous answers to my hon. Friends, throughout the pandemic the Government have actively supported children in prison being locked in their cells for over 23 hours a day, with their education and therapy sessions cancelled and family visits stopped. Does the Minister feel that these criminal measures have helped or hindered their rehabilitation?

Lucy Frazer: I would like to clarify what the hon. Lady has said. We have not actively supported the lockdown; when we went into the pandemic, we were told by Public Health England that we were potentially facing 2,500 deaths in our prisons, and we rightly took action very quickly to stem that. Every death is tragic, but I am very pleased that, through our efforts, we only had 23 deaths. The problems in the youth estate are very different, but, equally, we did not want transmission among users and staff, leading to the NHS becoming overwhelmed and staff getting sick, so we took measures that were appropriate at the time. As I mentioned to the hon. Member for Lancaster and Fleetwood (Cat Smith), we absolutely recognise the importance of education. It is something that we are prioritising and have prioritised, and we will continue to do so.

Peter Kyle (Hove) (Lab): It is good news that in the years approaching covid, the number of young people required to attend court fell by 10,000, but the bad news is that the backlog of young people requiring justice—their day in court—stayed the same over the same period. If Ministers lack the competence to end the backlog at a time when demand is falling by a third, what hope is there of the Government getting a grip in the challenging times ahead?

Lucy Frazer: It is vital that we manage the backlog in the courts, and we are doing so across Her Majesty's Courts and Tribunals Service. I am looking closely at the youth estate because it is vital that we ensure that the youth—who are particularly vulnerable and who cannot do as many remote hearings as those in the adult estate—get justice and get it swiftly. We have opened up a number of youth courts and are working hard to ensure that youth justice continues.

Women Leaving Prison: Resettlement

Carolyn Harris (Swansea East) (Lab): What steps he is taking to improve resettlement for women leaving prison. [906350]

The Minister of State, Ministry of Justice (Lucy Frazer): I am very pleased to have spoken regularly to the hon. Lady about residential women's centres, which are a vital part of the female offender strategy. Her question is about the resettlement of women leaving prison. I hope she is aware that we invested an additional £22 million a year over the remaining life of the community rehabilitation company contracts to deliver an enhanced through-the-gate resettlement service. We also have specific funding for women—we are putting £5 million into community services that help female offenders to address the underlying causes of their criminality—and we recently invested a further £2.5 million to assist in further supporting female offenders. That is currently being distributed via a funding competition, which opened on 6 July.

Carolyn Harris: The independent monitoring board recently reported that almost 60% of female prisoners are leaving prison to homelessness, which overwhelmingly leads to reoffending. To give these women a chance in life we need an effective through-the-gate strategy, including community support and adequate housing, so can we expect the autumn statement to deliver extra resources to allow that to happen?

Lucy Frazer: Our statistics are that 4.2% of the female prison releases were to rough sleeping and 14% were released as “other homeless”, but the numbers, whatever they are, are too high. The hon. Lady rightly identifies that we are talking to the Ministry of Housing, Communities and Local Government and that a spending review is coming up; Members will have heard the Lord Chancellor talking about our absolute commitment, and we will be looking at a number of things—education, employment and tackling homelessness on release.

Criminal Legal Aid

Gareth Bacon (Orpington) (Con): What steps his Department has taken to improve criminal legal aid provision. [906351]

Dr Ben Spencer (Runnymede and Weybridge) (Con): What steps his Department has taken to improve criminal legal aid provision. [906355]

James Daly (Bury North) (Con): What steps his Department has taken to improve criminal legal aid provision. [906370]

The Parliamentary Under-Secretary of State for Justice (Alex Chalk): I hugely value the work of criminal defence lawyers, who play a vital role in upholding the rule of law, testing prosecution evidence and ensuring that the innocent walk free. To support the profession through the pandemic, we sought to improve the cash flow for it by making it easier to draw down payment for work already collected, halting the collection of debt by the Legal Aid Agency and relaxing LAA contract requirements to ensure that more staff can be furloughed.

Gareth Bacon: According to Government figures, in 2010-11 there were 1,861 firms with criminal legal aid contracts, whereas now there are only 1,138, which represents a 39% decrease. In addition, there appear to be significant recruitment shortages in the profession. According to the Solicitors Regulation Authority, in 2017 fewer than 3% of 11,000 trainee solicitors were working in criminal law. That raises real issues as to people’s ability to access justice. What plans does my hon. Friend have to address this decline?

Alex Chalk: My hon. Friend raises an important point. We want criminal law and criminal defence to be an attractive, sustainable profession, which is why we put £23 million into the advocates’ graduated fee scheme last year, which can benefit solicitor advocates, and why we put, as the first wave of criminal legal aid, up to £51 million into the profession. It is a great and important job, and we want people to go into it.

Dr Ben Spencer: I thank the Minister for his answers. Equity of access to justice is a central tenet of the rule of law. Does he agree that is it essential not only that

everyone who needs it has access to legal aid, but that it is set at a level that does not disincentivise lawyers from taking on legal aid cases?

Alex Chalk: My hon. Friend makes a crucial point. Anyone in this Chamber could be accused of a crime they have not committed, and we need to ensure that there are lawyers who can take on the cases, challenge the prosecution and evidence, and ensure that justice is done. That is why we have the criminal legal aid review, and we want to ensure that that independently led review secures a sustainable profession into the future, so that justice can be done in the future.

James Daly: I applaud the Minister for his ongoing efforts to ensure that we have a viable and sustainable criminal legal aid sector. Will he work with all stakeholders to ensure that fee income is increased, as he knows it is the single most important issue to every firm of criminal law solicitors in the country?

Alex Chalk: I particularly thank my hon. Friend, who has been such a powerful champion of criminal defence. He is absolutely right. It has to be a system that offers rates that are attractive to people coming into the profession. Crime lower work—that critical work at police stations and in the magistrates court—has to be properly remunerated. The vital work that he has done in the past and that his colleagues do needs to be recognised and rewarded.

Karl Turner (Kingston upon Hull East) (Lab) [V]: Again, we have heard warm words from the Dispatch Box. I am sorry to have to spoil the Justice Secretary’s birthday, but the truth is this: the Government simply have not got to grips with the crisis in legal aid, and those on the front line of our criminal justice system know it. Nearly two years on from the announcement of a criminal legal aid review, the plan for accelerated items has only just been published. That sticking plaster might just have sufficed before covid, but for a justice system already on its knees, it is woefully insufficient, and victims, defendants and practitioners alike are paying the price. Will the Minister put a stop to the dither and delay, recognise the urgency of the situation, and commit to expediting the remaining stages or at the very least come up with a realistic timetable?

Alex Chalk: I thank the hon. Gentleman for his question. I like the hon. Gentleman, but I am afraid he is completely wrong. This is the Government who have put money into the profession. Let me tell him one thing: under his Government, does he know how much money was paid for unused material for advocates? Not a penny piece. This is the Government who are putting money into the profession. That is the way it is going to stay.

Topical Questions

[906399] **Olivia Blake** (Sheffield, Hallam) (Lab): If he will make a statement on his departmental responsibilities.

The Lord Chancellor and Secretary of State for Justice (Robert Buckland): The first duty of any Government is to protect their people. Too often, our system of sentencing in England and Wales does not command the public’s

confidence, so last week I laid a White Paper entitled, "A Smarter Approach to Sentencing". The measures in the White Paper will keep serious violent and sexual offenders in prison for longer and prevent the automatic release of prisoners before the end of their sentence if they present a danger to the public.

Protecting the public from the effects of lower level offending also means finding new ways to break cycles of crime. Our proposals for robust community sentences, backed by an empowered probation service and utilising the most up-to-date technology, will make the smart interventions to address the things that can drive low-level offending, such as poor mental health, and drug and alcohol addiction. This smarter approach will grow confidence in our system of justice.

A cross-Government approach will characterise the reforms, but as we bring them before the House I also look forward to support from across the political divide, so that we can work together to keep the public safe from harm and to bring down stubbornly high rates of reoffending for good.

Olivia Blake: The prison operator G4S is withholding full sick pay from workers who operate in close contact with prisoners. Does the Secretary of State agree with me and the GMB union that that is scandalous? Will he support calls for G4S to provide the sick pay its workers deserve?

Robert Buckland: While it would be wrong of me to make direct comment on what is, sadly, a dispute, I will certainly look into the matter and report back to the hon. Lady on the latest progress or otherwise. I hugely value prison staff and the incredible work they have done, not just throughout the covid pandemic but beforehand.

[906400] **Edward Timpson** (Eddisbury) (Con): Magistrates have been dispensing justice in our communities for centuries, but in the past decade their numbers have more than halved. That is not helped by the fact that they have to retire at the age of 70, and we are losing about 20 a week at a time when we have a record number of cases to get through the courts. Will my right hon. and learned Friend look carefully at the private Member's Bill I have put forward to raise the retirement age to 75, as well as act quickly off the back of the Government's consultation on this issue?

Robert Buckland: I pay tribute to my hon. Friend for the work he is doing on this important issue and for the introduction of his Bill. I fully recognise his concern, which is why we are working with the judiciary on a programme to increase the overall number of recruited magistrates. We are consulting on proposals to increase the mandatory retirement age of judicial office holders, including magistrates. That consultation closes on 16 October. I will consider the matter very carefully before reaching a final decision.

[906404] **Nadia Whittome** (Nottingham East) (Lab): The Secretary of State will be aware that in recent years, there has been increased understanding of neurodivergent people and the issues that this presents in the criminal justice system, yet there are still neurodivergent individuals who face disproportionate prison sentences and who, in the case of foreign national offenders, could risk deportation to a country where they have no support.

Will he commit to immediately reviewing all cases of neurodivergent individuals, and particularly those who face imminent deportation?

Robert Buckland: The hon. Lady raises an issue that, as she probably knows, is very close to my heart. In the White Paper, we have announced a call for evidence about neurodivergence within the criminal justice system, because I think that we can do much, much better, not just in understanding and making adjustments for people with autism and other conditions when they get into the system, but in preventing them from getting into the system in the first place. One of the issues that she raises is, of course, the question of diagnosis, and many people are not diagnosed even though they present with such problems. I will look at that matter more closely and I am grateful to her for raising it.

[906401] **Sally-Ann Hart** (Hastings and Rye) (Con): Community sentencing must contain a punitive element, most likely unpaid hours. Rather than an offender working in a charity shop or suchlike, what are my right hon. and learned Friend's plans for ensuring that offenders really do pay their debt to society by, for example, saving money for local communities and taxpayers through litter picking, and so on?

Robert Buckland: My hon. Friend is right to raise the important issue of unpaid work, because it is a way for offenders to make reparation to wider society for the damage that is caused by crime. As part of our White Paper plans, we will introduce a new statutory duty for important stakeholders, such as police and crime commissioners, to be consulted on the type of unpaid work projects in their area. I believe that that means we will see projects being delivered that are far more at the heart of the communities in which they live.

[906406] **Alan Brown** (Kilmarnock and Loudoun) (SNP): This Government intend to break an international treaty that they negotiated while blaming the other party when it is going to act in good faith. Tomorrow, the Government will bring forward a Bill that seeks to decriminalise torture. Instead of global Britain, is this not a further indication that this Government intend to act as a rogue state?

Robert Buckland: No.

[906402] **Andrew Percy** (Brigg and Goole) (Con): Once people are behind bars, the public should be protected from further criminal activity by those in prisons, but too often, criminality continues. What use are we making of measures such as body scanners to ensure that criminals are not able to continue their behaviour behind bars?

Robert Buckland: My hon. Friend raises a very important point. Last year, the Government announced a £100 million boost to investment in the installation of body scanners in many of our prisons, and particularly category B local prisons with a high number of receptions and visitors. It protects not only prisoners from abuse, but staff, and it makes prisons, I believe, safer places in which to work and gives greater confidence to the wider public that we are doing everything we can to make our prisons as safe as possible.

[906410] **Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): I have been contacted by a local resident who works in a shop and who told me about the increase in abuse that she has faced during covid-19. She said that she has managed to get a full-time guard and body cameras but still the abuse continues. Further to the question from my hon. Friend the Member for Harrow West (Gareth Thomas), will the Government support the trade unions and the British Retail Consortium in their call for tougher action on those who assault retail staff?

Robert Buckland: The hon. Lady raises a very disturbing case, and sadly, it is not alone. Many shop workers have been at the frontline of providing vital services through the intensity of the lockdown and continue to do so. It is incumbent on all of us to make sure that sentencing guidelines properly reflect the role that they play. There is helpful reference in the sentencing guidelines, of course, to people in that line of service, but if there is more that we can do to draw the courts' attention to the particular importance of shopworkers, we should do so.

[906403] **Rob Butler** (Aylesbury) (Con): The White Paper published last week by my right hon. and learned Friend's Department proposes extending whole-life orders to 18 to 20-year-olds in wholly exceptional cases. I think that most people understand and agree with that, but there are many others in that age group who will be released, including those serving at Aylesbury young offenders institution in my constituency. Will my right hon. and learned Friend ensure that young adults in custody can access programmes tailored to their specific age group and their particular needs, in an effort to ensure that they do not commit crime again once freed? [R]

Robert Buckland: I pay tribute to those who provide the therapeutic services at Aylesbury YOI, whom I have met in the past. We have clearly stated that we see young adults right up to the age of 25 as a group that need treatment that is different from other cohorts, and we have specialist models for operational delivery to support prisons holding young adults to get the best results for that group. The curriculum at Aylesbury includes personal and social development skills, business, horticulture, barbering and decorating, and we will reinforce that with our new national prisoner education service, which is focused on work-based training and skills.

[906412] **Andrew Gwynne** (Denton and Reddish) (Lab) [V]: It is crucial that victims' rights are recognised and protected in their dealings with police, prosecutors and courts. Dame Vera Baird QC, the Victims' Commissioner, has called on Ministers to make good on promises to give crime victims enforceable rights in law. She is right. The code consultation was a good first step, but where is the victims law up to?

Robert Buckland: I thank the hon. Gentleman for raising that important point, and I pay tribute to the work of the Victims' Commissioner and, indeed, her predecessor. The hon. Gentleman will be glad to know that a wider consultation on the new, revised victims code has been finished. We will be publishing the revised victims code in the next several weeks. It is a much smaller, user-friendly document. But further than that, we will legislate as soon as possible, within the next year,

for a victims law to enshrine the rights contained in the code and elsewhere, to give victims the higher protection that both he and I want to see.

[906405] **Sir David Evennett** (Bexleyheath and Crayford) (Con) [V]: I strongly welcome my right hon. and learned Friend's White Paper, "A Smarter Approach to Sentencing". However, what steps is he taking to improve the process of disclosure of criminal records?

Robert Buckland: My right hon. Friend is right to raise the important point of disclosure of criminal records. In too many cases, it has been a bar to employment, which is a sure-fire way out of reoffending. For the first time, in our White Paper, we set out revised rules. Some custodial sentences of over four years will be able to become spent as part of criminal record checks for non-sensitive roles, in addition to significant reductions to the rehabilitation periods for sentences of under four years. These proposals, alongside recently approved legislation to change the rules governing disclosure for sensitive roles by removing the multiple convictions rule and the disclosure of youth cautions, will indeed help those who have offended in the past to access employment.

[906414] **Alex Davies-Jones** (Pontypridd) (Lab) [V]: At a time when the public are confined more than usual to their homes, potential victims of domestic abuse are more vulnerable than ever. It is vital that the wheels of justice keep turning even in a pandemic. What steps are being taken to ensure that trials of people accused of domestic abuse are prioritised?

Robert Buckland: I can reassure the hon. Lady that domestic abuse trials have continued to be prioritised throughout the pandemic, with early listings. I am very impressed by the work that is being done in Wales in particular, which I visited recently, to list cases in the magistrates court to remove the backlog. Indeed, in the Crown court as well trials are being listed at the earliest opportunity. She can be assured that priority is given to domestic abuse cases when these matters are listed.

[906407] **Marco Longhi** (Dudley North) (Con): Does my right hon. and learned Friend agree that delays in the court system can be damaging, if not traumatic, to all parties attending court? Can he assure me and the House that capacity across the Ministry and courts across the land is being increased to ensure that we catch up with the delays incurred by the covid pandemic?

Robert Buckland: I would like to thank all our staff in Her Majesty's Courts and Tribunals Service who have carried on working throughout the pandemic. Currently, over 70% of staff work from a court or tribunal building, and the rest are working at home via the cloud video platform. We are investing £142 million in our court system to speed up the technological and modernisation improvements, and we are investing an additional £80 million to support the recovery of our criminal courts, including the recruitment of 1,600 members of staff and further adaptations to our courtrooms to allow more and more of them to be used.

[906421] **Jim Shannon** (Strangford) (DUP): Could the Secretary of State outline the legislation or case rulings that preclude Northern Ireland Bar-registered

barristers located in mainland GB, such as silk Hugh Mercer of Essex Court Chambers in London, from claiming expenses for travel and hotel accommodation for Northern Ireland court cases? Does the Secretary of State believe that constitutional integrity should allow any silk to practise and be reimbursed?

Robert Buckland: I must declare an interest, because I am a member of the Northern Ireland Bar. The particular issue that the hon. Gentleman raises seems to be a matter for the Northern Ireland Justice authorities. However, I will discuss the matter with him further so that we can obtain maximum clarity.

[906409] **Tom Randall** (Gedling) (Con): In Gedling, Nottinghamshire police's Operation Reacher teams are knocking down many drug dealers' doors. Can my right hon. and learned Friend tell me what steps the Ministry of Justice is taking to ensure that we punish those guilty dealers, to keep our society safe?

Robert Buckland: I pay tribute to that operation in Nottinghamshire and to the many others that are safeguarding our communities. Parliament has provided the courts with the full range of sentencing powers in order to deal effectively with these offenders, but tough enforcement is also a fundamental part of our approach. We are taking a smarter approach to the restriction of

drugs supply using technology and data and taking partnership action with other agencies to tackle drugs alongside other criminal activity.

[906411] **Simon Jupp** (East Devon) (Con): Devon and Cornwall police were an early adopter of the virtual court processes, but sustaining these new arrangements is taking up valuable police officer time. Can the Secretary of State confirm what steps his Department is taking to ensure that these courts can continue to operate effectively during the outbreak, so that police forces can keep their officers on the streets?

Robert Buckland: The work of Devon and Cornwall police in ensuring that virtual court processes carry on at this challenging time is very much appreciated. I am going to include in primary legislation, to be introduced as early as possible in 2021, a provision to allow court-appointed contractors to staff those virtual courts within police custody suites, in order to relieve the burden on serving police officers.

Mr Speaker: In order to allow the safe exit of hon. Members participating in this item of business and the safe arrival of those participating in the next, I am suspending the House for a few minutes.

12.32 pm

Sitting suspended.

Covid-19

12.36 pm

Mr Speaker: Before the Prime Minister addresses the Chamber, could I point out that British Sign Language interpretation of the statement is available to watch on parliamentlive.tv? I now call the Prime Minister to make his statement.

The Prime Minister (Boris Johnson): Mr Speaker, with your permission, I will make a statement on our response to the rising number of coronavirus cases and how we must act now to avoid still graver consequences later on.

At every stage in this pandemic, we have struck a delicate balance between saving lives by protecting our NHS, and minimising the wider impact of our restrictions. It is because of the common sense and fortitude of the British people that, earlier this year, we were able to avert an even worse catastrophe, forming a human shield around our NHS and then getting our country moving again by reopening key sectors of our economy and returning children to school. But we always knew that, while we might have driven the virus into retreat, the prospect of a second wave was real. I am sorry to say that, as in Spain, France and many other countries, we have reached a perilous turning point. A month ago, on average, around 1,000 people across the UK were testing positive for coronavirus every day. The latest figure has almost quadrupled to 3,929. Yesterday, the chief medical officer and the chief scientific adviser warned that the doubling rate for new cases could be between seven and 20 days, with the possibility of tens of thousands of new infections next month.

I wish I could reassure the House that the growing number of cases is merely a function of more testing, but a rising proportion of the tests themselves are yielding a positive result. I also wish I could say that more of our people now have the antibodies to keep the virus off, but the latest data suggests that fewer than 8% of us are in this position. It is true that the number of new cases is growing fastest among those aged 20 to 29, but the evidence shows that the virus is spreading to other, more vulnerable age groups, as we have seen in France and Spain, where this has led to increased hospital admissions and, sadly, more deaths. In the last fortnight, daily hospital admissions in England have more than doubled. Tens of thousands of daily infections in October would, as night follows day, lead to hundreds of daily deaths in November, and those numbers would continue to grow unless we act. As with all respiratory viruses, covid is likely to spread faster as autumn becomes winter. Yesterday, on the advice of the four chief medical officers, the UK's covid alert level was raised from 3 to 4—the second most serious stage—meaning that transmission is high or rising exponentially.

So this is the moment when we must act. If we can curb the number of daily infections and reduce the reproduction rate to 1, we can save lives, protect the NHS and the most vulnerable, and shelter the economy from the far sterner and more costly measures that would inevitably become necessary later on. So we are acting on the principle that a stitch in time saves nine.

The Government will introduce new restrictions in England, carefully judged to achieve the maximum reduction in the R number with the minimum damage

to lives and livelihoods. I stress that this is by no means a return to the full lockdown of March. We are not issuing a general instruction to stay at home. We will ensure that schools, colleges and universities stay open, because nothing is more important than the education, health and wellbeing of our young people. We will ensure that businesses can stay open in a covid-compliant way. However, we must take action to suppress the disease.

First, we are once again asking office workers who can work from home to do so. In key public services and in all professions where home working is not possible, such as construction or retail, people should continue to attend their workplaces and, like Government, this House will be free to take forward its business in a covid-secure way, which you, Mr Speaker, have pioneered.

Secondly, from Thursday, all pubs, bars and restaurants must operate a table service only, except for takeaways. Together with all hospitality venues, they must close at 10 pm and to help the police enforce this rule I am afraid that that means, alas, closing and not just calling for last orders, because simplicity is paramount. The same will apply to takeaways, although deliveries can continue thereafter. I am sorry that this will affect many businesses just getting back on their feet, but we must act to stop the virus from being transmitted in bars and restaurants.

Thirdly, we will extend the requirement to wear face coverings to include staff in retail, all users of taxis and private hire vehicles, and staff and customers in indoor hospitality, except when seated at a table to eat or drink.

Fourthly, in retail, leisure and tourism and other sectors, our covid-secure guidelines will become legal obligations. Businesses will be fined and could be closed if they breach the rules.

Fifthly, now is the time to tighten up the rule of six. I am afraid that from Monday a maximum of 15 people will be able to attend wedding ceremonies and receptions, although up to 30 can still attend a funeral, as now. We will also have to extend the rule of six to all adult indoor team sports.

Finally, we have to acknowledge that the spread of the virus is now affecting our ability to reopen business conferences, exhibitions and large sporting events, so we will not be able to do this from 1 October. I recognise the implications for our sports clubs, which are the life and soul of our communities, and my right hon. Friends the Chancellor and the Culture Secretary are working urgently on what we can do now to support them.

These rules—these measures—will only work if people comply. There is nothing more frustrating for the vast majority who do comply—the law-abiding majority—than the sight of a few brazenly defying the rules, so these rules will be enforced by tighter penalties. We have already introduced a fine of up to £10,000 for those who fail to self-isolate, and such fines will now be applied to businesses breaking covid rules. The penalty for failing to wear a mask or breaking the rule of six will now double to £200 for a first offence. We will provide the police and local authorities with the extra funding they need, a greater police presence on our streets, and the option to draw on military support where required to free up the police.

The measures I have announced all apply in England, and the devolved Administrations are taking similar steps. I spoke yesterday with each of the First Ministers and again today, and I thank them for their collaboration.

[*The Prime Minister*]

The health of everyone in these islands depends on our common success. Already, about 13 million people across England are living under various local restrictions over and above national measures. We will continue to act against local flare-ups, working alongside councils and strengthening measures where necessary.

I want to speak directly to those who were shielding early in the pandemic and who may be anxious about being at greater risk. Following advice from our senior clinicians, our guidance continues to be that you do not need to shield except in local lockdown areas, and we will keep this under constant review.

I must emphasise that if all our actions fail to bring the R below 1, we reserve the right to deploy greater firepower with significantly greater restrictions. I fervently want to avoid taking this step, as do the devolved Administrations, but we will only be able to avoid it if our new measures work and our behaviour changes.

We will spare no effort in developing vaccines, treatments and new forms of mass testing, but unless we palpably make progress, we should assume that the restrictions I have announced will remain in place for perhaps six months. For the time being, the virus is a fact of our lives, and I must tell the House and the country that our fight against it will continue. We will not listen to those who say, “Let the virus rip”, nor to those who urge a permanent lockdown. We are taking decisive and appropriate steps to balance saving lives with protecting jobs and livelihoods.

I know all this will have profound consequences for our constituents, so the Government will give the House every opportunity to scrutinise our decisions. In addition to regular statements and debates, Members will be able to question the Government’s scientific advisers more regularly, gain access to data about their constituencies and join daily calls with my right hon. Friend the Paymaster General.

After six months of restrictions, it would be tempting to hope that the threat has faded and to seek comfort in the belief that if you have avoided the virus so far, you are somehow immune. I have to say that it is that kind of complacency that could be our undoing. If we fail to act together now, we will not only place others at risk, but jeopardise our own futures with the more drastic action that we would inevitably be forced to take.

No British Government would wish to stifle our freedoms in the ways that we have found necessary this year, yet even now we can draw some comfort from the fact that schools, universities and places of worship are staying open, shops can serve their customers, construction workers can go to building sites, and the vast majority of the UK economy can continue moving forwards.

We are also better prepared for a second wave with the ventilators, the personal protective equipment, the dexamethasone, the Nightingale hospitals and a hundred times as much testing as we began this epidemic with. It now falls to each and every one of us to remember the basics: wash our hands, cover our faces, observe social distancing and follow the rules. Then we can fight back against this virus, shelter our economy from even greater damage, protect the most vulnerable in care homes and hospitals, safeguard our NHS and save many more lives. I commend this statement to the House.

12.48 pm

Keir Starmer (Holborn and St Pancras) (Lab): I thank the Prime Minister for advance sight of his statement and for his telephone call last night. The picture presented yesterday by the Government’s advisers was stark and cannot be ignored. Infections are rising, hospitalisations are rising and the trajectory is clear. We know from bitter experience what happens next, so it is right that the Prime Minister is announcing further measures today, and we support those measures, just as we supported lockdown in March and the more recent local lockdowns. Although we have fierce criticism of the way the Government are handling this pandemic, when restrictions are needed, the national interest lies in clear communications and cross-party support, and so we will—as we have done before—encourage people to follow the Government guidance and obey the rule of law.

Families across the country will be anxious today. Many are already living under local lockdowns; many more fear that, soon, they will be. They are worried about their jobs, their loved ones and whether they will be able to spend Christmas with their families. They will also be worried that the Government do not have a clear strategy. One day, people are encouraged to work in the office; in fact, more than encouraged—they were openly challenged by the Prime Minister for not doing so. Today, they are told the opposite.

This is a time of national crisis, and we need clear leadership, so it is right that the Prime Minister answers a number of serious questions about the next steps. First, a number of areas in England already have localised restrictions, including some that are very similar to those announced today. Pubs and restaurants in Bolton, for example, have been told to shut at 10 pm for about two weeks, and Leicester has been in localised restrictions for about three months, yet infections in those areas remain high. Can the Prime Minister be sure that the restrictions he is introducing today will be effective in suppressing the virus? If they do not work, when does he envisage further measures might be necessary?

I also want to ask about support for families and businesses. These restrictions will put further pressures on the hospitality sector, on high streets and town centres and on people’s jobs and businesses, so what emergency financial support will be made available to those who need it? There was nothing in the Prime Minister’s statement about that. There is a big gap here. Will the Prime Minister now accept that withdrawing the furlough scheme in one fell swoop would be a disaster, and actually at complete odds with the measures he just announced, which are possibly for up to six months? Will he take us up on our offer to work with him, and with trade unions and businesses, on a replacement scheme that protects jobs and businesses?

Given the rise in infections, these restrictions are necessary, but they were not inevitable. We warned the Prime Minister months ago that testing needed to be fixed by the autumn. The Academy of Medical Sciences told him the same in July, saying:

“Testing and tracing capacity will need to be significantly expanded to cope with increasing demands over the winter.”

However, the Government did not listen. They pretended there was not a problem. They did not act quickly enough, and now the testing system is not working, just when we need it.

We should also recognise that a second national lockdown is not inevitable. That would be a huge failure of government, not an act of God. There is still time to prevent it. That must be a national effort. Labour will do whatever is reasonable and necessary to support that, to save lives and to protect the NHS, but the Government must lead, and they must do so fast.

The Prime Minister: I am grateful to the right hon. and learned Gentleman for his support. I notice that it seems to come and go, but it seems to be here today. He criticises testing. He should know that, as I have told the House many times, this country is now testing more than any other country in Europe—one test for every five people. Actually, in spite of the massive increase in demand for testing, we have greatly increased the number of contacts reached from the indexed cases. He should pay tribute to those involved in the whole testing operation, in spite of all the difficulties they face.

The right hon. and learned Gentleman mentions the success of local lockdowns, and he is absolutely right to draw attention to what happened in Leicester. That was a heroic effort of local people, and it has happened in other parts of the country—local people pulling together to drive the virus down. That is what we hope to encourage throughout the country, and that is certainly part of our strategy. He asked what we are doing to support businesses, families and communities across the country, as though we had not already quite rightly spent £160 billion to support businesses, jobs and livelihoods across the country. We will continue to put our arms around the people of this country.

I am grateful, as I say, for what the right hon. and learned Gentleman says and the support, such as it is, that he has offered. However, I can tell him that, in putting forward that message of support, I hope he will also say to everybody in his constituency and elsewhere that this is a balanced and proportionate response to the crisis that we face. We are driving the virus down—that is our objective by these measures—but we are also, as I have said, keeping the vast majority of the UK economy going. That is our programme. That is what we intend to do. This is a package to drive down the R, but also to allow education and jobs and growth to continue. That is absolutely vital for the right hon. and learned Gentleman to understand, and I hope that, in his support, which I welcome, he will communicate that to the country as well.

Dame Cheryl Gillan (Chesham and Amersham) (Con) [V]: One of the most difficult decisions a Prime Minister has to take in a democracy is to restrict our freedoms for the greater good. In the measures he has announced today, which have cross-party consensus, my right hon. Friend has sought balance and proportionality, as he has said, in protecting the economy while reducing the risk of the virus spreading like wildfire.

However, given the six-month timeframe he has announced, what does he have to say to grandparents who want to live their lives before it is too late and who cannot see their families; to worried parents and families who cannot access a test at the moment; to workers and business owners facing financial ruin; and to MPs who want to debate these matters in Parliament before they are decided, not after, so that they can help him shoulder this onerous responsibility? How can he convince all of them that he is taking the right path, and unite our country with hope of an end to this misery?

The Prime Minister: I thank my right hon. Friend. She is entirely right that Parliament should and will debate these issues. We will make time early next week, in Government time, for a full debate on these measures.

Ian Blackford (Ross, Skye and Lochaber) (SNP): I thank the Prime Minister for advance sight of his statement. We have reached a critical moment. The virus has not gone away, it is not going away, and it remains as deadly as ever. I welcome the fact that following calls this weekend from our First Minister, a four-nation Cobra meeting has taken place this morning. We have all witnessed the worrying rise in virus cases over the past number of weeks, and we all know the projections and consequences our society will face if it continues to grow at the same rate.

We must also be clear about one thing: if we take the right actions now, there is nothing inevitable about the exponential spread of this virus. If we act decisively, move sharply and take the right, tough decisions now, we can get the virus back under control, minimise the time we all spend under new restrictions and, most importantly, we can save lives.

Today, Governments across the four nations are rightly asking citizens to make more sacrifices to protect our collective health. In return for these sacrifices, it is only right that citizens are provided with financial support amid the health and economic uncertainty. We are now just a few short weeks away from the end of the furlough scheme. Analysis from the Scottish Government has already shown that extending the scheme by eight months could save about 61,000 jobs in Scotland. France, Germany and Ireland have already extended their job retention schemes into next year, but the Prime Minister and the Chancellor have rigidly refused to extend furlough.

We all know, however, that U-turns and mixed messaging have come to define this Government. On 10 July, the Prime Minister said:

“Go back to work if you can.”

On 14 August, the Chancellor said it was “crucial” that we “do our bit”, such as

“going back to our places of work,”

and on 27 August, Government sources said:

“Go back to work or risk losing your job”.

The Prime Minister has changed his advice this morning on working from home. It is now time to change his mind on furlough as well. So today I have one question, and it is a question that 61,000 employees in Scotland are asking. Prime Minister, they deserve certainty and they deserve an answer. Will this Government now save those jobs and extend the furlough scheme beyond October? Prime Minister, do not throw workers on the scrap heap, through no fault of their own.

The Prime Minister: There was a great deal in the right hon. Gentleman’s question that I agree with. He is right that we need to take decisive action now, and I am very grateful for the collaboration that we have all been engaged in across the UK. Our objective is to keep businesses going, to keep the economy moving as much as we can and indeed to allow people to go back to work where they must but, of course, to work from home if they can. It is very clear what the choices are and what the guidance is.

[The Prime Minister]

Of course we will continue to support businesses and people who face challenges because of coronavirus throughout our United Kingdom. I remind the right hon. Gentleman that, in Scotland alone, the Barnett consequential of the support are now well over £5 billion, and across all the devolved Administrations they are about £12.6 billion. We will continue to send that support throughout the whole UK, to put our arms around the whole workforce of the UK and to protect jobs and livelihoods, but we also want to see those businesses continuing and jobs being created.

Jeremy Hunt (South West Surrey) (Con): I support the measures announced today. The Prime Minister will have decided them with a heavy heart, but all the evidence from South Korea, Singapore and other countries is that early, decisive action now is the best way to avoid a second full lockdown later. I want to ask him about testing. We have tripled capacity since May and will double it again by the end of October, so there has been a transformation, but we are not there yet. At a school in my constituency a child has tested positive, but it only gets a quota of 10 tests every three weeks, and it is worried that people may be passing on the virus asymptotically whom it is not able to identify. How can he reassure that school and others up and down the country that are trying so hard to do the right thing?

The Prime Minister: My right hon. Friend is absolutely right that we have massively increased testing across the country. We are now prioritising teachers, as he knows. He raises a very important point about school pupils, and an interesting fact is that the rates of infection and transmission among school pupils are much lower than in the rest of the population. But I am not going to hide it from him that the future I see for our country and the way to defeat this virus is massively to expand testing, not just for teachers and not just in schools but throughout the country. That is why I am proud that, in spite of all the difficulties that the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) and others have legitimately pointed out, NHS Test and Trace is now conducting more tests than any other country in Europe. I think we should be proud of that.

Ed Davey (Kingston and Surbiton) (LD): There was one major omission from the Prime Minister's statement: an apology. Will he now apologise for his Government's gross incompetence over testing, tracing and clear communications, which has led to these latest restrictions on people's daily lives? As families and businesses look forward, especially to Christmas, how will the Government support the millions of people who are on the brink of losing their jobs, losing their businesses and losing their livelihoods? What is the new plan for them?

The Prime Minister: The plan is that we should continue to keep the economy moving in the way that I have described and the Government have set out, which I believe is, quite rightly, supported by the Opposition, while suppressing the R and getting the virus down. That is our policy. Does the right hon. Gentleman support it?

Greg Clark (Tunbridge Wells) (Con): One of the lessons of the lockdown measures in the spring was that they worked, but almost everyone ended up wishing

that they had been introduced a week or two earlier, so the Prime Minister is right to act in anticipation rather than in reaction. Will he take the public into his confidence and tell them whether the six-month period that he mentioned is irrespective of the experience of infections and hospitalisation over the weeks and months ahead? What will be the criteria for lifting these restrictions and others such as the rule of six?

The Prime Minister: My right hon. Friend asks a really important question. The answer is, of course, that we must look at what the data tell us. There are several important data. The R is perhaps the crucial one, but we also look at rates of admissions to hospitals and new infections. If those facts change—if things turn around, and if the British public can do what they did before and get this virus down and get it under control—then of course we will review the measures and review the situation.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): The Prime Minister is right that testing is a vital part of the Government's response to the coronavirus. Will he join me in commending companies like Randox and Fortress Diagnostics in Northern Ireland, which have played a vital role at national level in delivering the Government's testing programme? Randox has committed 99% of its covid testing capacity to that programme, and on 19 September it successfully reported almost 10,000 samples beyond its committed daily rate. Will the Prime Minister consider providing access to testing through local community pharmacies to expand the capacity and public accessibility to testing at this time?

The Prime Minister: I do indeed congratulate Randox and all the other businesses involved. We are massively expanding testing the whole time. It is very important for the House to understand that testing alone cannot fix this problem. There is a hiatus in the logic of the attacks that are sometimes mounted. The problem we have in the spread of this virus is that, alas, a minority of people have not been following the guidance in the way they might have done. What we are trying to do now is to get everybody to focus on the rules and the guidance, to enforce it strictly and to get the R down.

Rehman Chishti (Gillingham and Rainham) (Con): I thank the Prime Minister for all his hard work during these difficult, challenging times to keep us all safe. He will be aware that I have put forward two private Member's Bills to improve mental health care provision for all, supported by the Royal College of Psychiatrists. This morning, I spoke to Professor Allan Young from King's College London, who raised with me real concerns about the reduction in mental health care provision for those with severe mental health issues during covid-19. Will the Prime Minister please look urgently into the matter and the representations of experts such as Professor Young, which I will forward to his office?

The Prime Minister: I look forward to receiving those representations—I will study them carefully. As the House has heard before, the Government are spending £12 billion more on mental health provision. Also, throughout the pandemic, we have been putting extra cash into mental health charities. I will certainly look at the case my hon. Friend raises.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Diolch, Llefarydd. At the start of the pandemic, there were concerns that visitors were gathering in crowds at beauty spots like yr Wyddfa—Snowdon. This happened again last weekend. Local lockdowns in Wales now require people to remain within their local authority area, except for essential reasons, but no such requirements exist in England. In those unfortunate situations where people face local lockdowns, will the Prime Minister give clear guidance against out-of-area travel for leisure purposes?

The Prime Minister: For local lockdowns, the guidance is given by the local authorities, following the decision in Covid-O about exactly what restrictions are to be put in place. Clearly the restriction the right hon. Lady suggests is part of the mix.

Steve Brine (Winchester) (Con): I thank the Prime Minister for his statement and for being here in person to answer our questions. Surely the reality is that national lockdown has one shot and any repeat of that, with the inevitable unlock that follows, reintroduces an increased element of opportunity for the virus and risk for us, as we are seeing now. Does the Prime Minister agree that all these restrictions on our constituents' lives require their ongoing consent, and that it is incumbent on the Government, the scientists who advise him and Parliament to stress-test these decisions and, crucially, the evidence that lies behind them?

The Prime Minister: I do agree with that. It would be greatly to the advantage of the debate and the country for these questions to be discussed in the House in the way that I have outlined and was proposed by my right hon. Friend the Member for Chesham and Amersham (Dame Cheryl Gillan).

Caroline Lucas (Brighton, Pavilion) (Green): The public have shown a vast capacity for putting others first during the pandemic, and now they are being asked to do more. In return, the Government need to do more for them. Public consent is dependent on people not being forced into financial ruin. Will the Prime Minister ensure that the most affected sectors, such as hospitality and the arts, continue to get the financial support they need? In particular, will he meet me and other hon. Members to find solutions for more than 3 million self-employed people who have not been covered by the existing financial schemes? He says he will put his arms around the whole workforce; many millions of the self-employed have not felt the benefit of that embrace.

The Prime Minister: The hon. Lady raises an important point. We have extended loans and grants to every conceivable sector of the economy, including £1.57 billion to the arts sector alone, and we will of course do more. The most important thing that we can do, returning to the central message that I am trying to get over today, is to push down on the R while simultaneously allowing as much of the economy to flourish as we possibly can. That is our collective objective today.

Andrew Percy (Brigg and Goole) (Con): The country is now full of amateur infection control experts, amateur epidemiologists and the odd Captain Hindsight. I do not intend to be one of those, but I must express to the

Prime Minister the concern of constituents in my area where the seven-day rolling average is now well below 20 and falling, where people have followed the rules but have seen those at protests and street parties not having action taken against them. We will now suffer as a result of these further measures, support them though I do. In particular, hospitality will suffer. May I urge him to look again at the Government's plans to halve the small brewers' rate relief, which will damage small brewers, particularly craft brewers? Can we look again at that as this is not the time to be introducing such changes?

The Prime Minister: My hon. Friend speaks eloquently for his constituents and for those who feel let down by the minority who are not obeying the rules. That is why we are outlining this programme of tough enforcement today. I will certainly ask my right hon. Friend the Chancellor to look at the fiscal measures that my hon. Friend proposes in respect of small brewers.

Stephen Farry (North Down) (Alliance): The Prime Minister will have support for taking the necessary measures to contain and suppress the virus, but he is receiving a very strong message from both sides of the House today that he does need to revisit the economic support measures, particularly in the light of changed circumstances and bearing in mind the need to look at other creative and innovative solutions. Will he therefore accept that, when the Chancellor made his statement back at the beginning of July, a certain set of planning assumptions were made that now no longer apply with the virus, so it is incumbent on the Government to change course and to change what they are doing to support people as well?

The Prime Minister: I acknowledge the point that the hon. Gentleman has made, and it is certainly our intention, as we go forward, to do everything we can to protect lives and livelihoods and to put our arms around everyone in this country. No one can deny that the Chancellor has been exceptionally creative and ambitious in the plans that he has set out, and he will continue to apply the maximum possible imagination and creativity in that respect.

Nick Fletcher (Don Valley) (Con): Don Valley appreciates all the work that the Prime Minister and his team are carrying out in response to the recent rise in cases of covid-19. That said, I must say to him that the blanket restrictions are affecting all people of all ages, immaterial of the actual risk posed to them. Will the Government therefore ask individuals to carry out a personal covid risk assessment, the results of which could determine whether someone needs to shield or can go about their daily lives. This will help boost the economy while protecting the vulnerable. After all, many people's lives are being affected tremendously by these restrictions, especially the young, who, as we all know, are only young once.

The Prime Minister: My hon. Friend really puts his finger on the heart of the dilemma. The tragedy of the coronavirus epidemic is that people who are not badly affected themselves can none the less pass it on unwittingly to older or more vulnerable people, so their harmless cough can be someone else's death knell, unfortunately. That is why we have to apply the restrictions that we do,

[*The Prime Minister*]

but he is right also to look ahead to a time when I do believe that we will be able much more easily to identify whether or not we are infectious and to allow us, therefore, to go about our daily lives more easily—young and old.

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): By 6 pm this evening, both local authorities covering my constituency will be under Welsh Government local lockdown restrictions aimed at slowing the spread of the virus. Among the restrictions will be one on holiday travel, meaning that constituents will not be able to go on planned holidays. Some holiday companies are refusing refunds on the grounds that local restrictions are not covered by UK law, pointing instead to Foreign and Commonwealth Office advice on travel. What can the Prime Minister do to support constituents in this case and what is his message to those holiday companies?

The Prime Minister: The hon. Gentleman asks an excellent question. It is not an anomaly that I had hitherto been aware of, but if he would care to write to me with the details of his constituents' concerns, I will certainly take it up.

Gareth Johnson (Dartford) (Con): Darent Valley Hospital in my constituency did an amazing job at the heart of the outbreak, as did many of my local GP surgeries. However, they were under huge pressure. Therefore, will the Prime Minister consider extending the ability of local pharmacies and chemists to administer health treatments so that these gems on our high street can ease the pressure on our health system?

The Prime Minister: My hon. Friend is completely right that pharmacies and chemists are in the frontline of our healthcare and do an absolutely outstanding job in testing people for all kinds of things, covid among them. We will certainly support them in any way that we can.

Kenny MacAskill (East Lothian) (SNP) [V]: We may well have to endure this for six months or more, but it is less than six weeks until the furlough scheme ends. Germany, France and even Ireland are extending furlough schemes for specific sectors. It is a political, not a health decision. Many communities in my constituency were devastated by political decisions made by a Tory Government in the 1980s that reaped mass unemployment. Are we now to have that revisited on them in 2020, or will the Prime Minister extend the furlough scheme?

The Prime Minister: The comparisons with other European countries are actually illuminating, because the furlough scheme is far more generous than that of either Germany or France, or virtually any other country in Europe. What we will continue to do, as I have said repeatedly to the House, is to put our arms around the workers of this country to make sure that we help people throughout the crisis, but also, as I said before, to do everything we can to keep our economy moving and keep people in work wherever we can.

Mel Stride (Central Devon) (Con) [V]: I very much welcome the balanced and proportionate set of measures that my right hon. Friend has put together and recognise

that these are very finely balanced and very difficult decisions for him to take. But lockdowns, as I think he recognises, destroy jobs and also personal wellbeing. The fact that lockdowns have damaged our economy means that in the years ahead a smaller economy will probably have serious impacts on the health of millions of people up and down our country. Does he recognise that, yes, we should listen very carefully to the epidemiologists, but we must also listen very carefully to the Treasury, to businesses and to economists?

The Prime Minister: My right hon. Friend is spot on. That is why we have to take action now to avoid the risk of having to take more drastic action later on that would do greater economic damage. That is the key point of what we are doing today.

Dame Diana Johnson (Kingston upon Hull North) (Lab) [V]: Can the Prime Minister explain why a new test centre opening today on Hull University land for students and the local community—a centre that of course I welcome—will be run by private firms Deloitte and G4S with no accountability to local bodies with statutory public health responsibilities to the local community, or to the university, which is of course responsible for its students? How does this silo approach that the Prime Minister has created around testing help us to have the joined-up approach that we all want in Hull to tackle this pandemic?

The Prime Minister: I will study what the hon. Lady says about the testing unit at Hull University. Everywhere across the country, NHS Test and Trace has been working hand in glove with local authorities to get testing done and hand in glove with Public Health England and of course all our public services. I am surprised by what she says about the testing unit at Hull University, but I will certainly ask NHS Test and Trace to give her a full explanation. In my experience, everything is done to enlist and mobilise the expertise of local government to get the testing done.

Richard Fuller (North East Bedfordshire) (Con): Many people are concerned that, with this dominant focus on covid, people who need NHS treatment for other illnesses or are seeking elective surgery will be pushed further back in the queue, so will the Prime Minister assure us and make sure that the Secretary of State for Health and Social Care gives priority to communicating the progress made in dealing with the backlog in surgeries as we go through the winter period?

The Prime Minister: Of course we must do everything we can to ensure that our NHS is not overwhelmed with covid cases. It is when we have a covid crisis—a boom in covid cases—that, as my hon. Friend rightly points out, other needs, including cardiac and cancer cases, are pushed off. That is completely wrong, which is why it is now so vital that we suppress the R—that we drive the rate of infection down—and stop a boom in covid cases, because that is the threat to our NHS and to the provision of all the basic services on which our country relies.

Karin Smyth (Bristol South) (Lab): The Prime Minister's objective relies on the local public health effort. I thank the local NHS in Bristol, Bristol City Council and Public Health England in the south-west for their

remarkable work. The reorganisation of health services always distracts from people's jobs, destroys morale and wastes money, so will the Prime Minister explain the benefits of abolishing Public Health England in the middle of this crisis? If he cannot, will he commit now to reversing that decision, at least until we have an inquiry?

The Prime Minister: It is essential that we have the most powerful possible public health organisation in this country. The Joint Biosecurity Centre now needs to come together with Public Health England to deliver what I believe will be a better service for this country. In fact, the change to which the hon. Lady refers does not happen until next year, but we are getting it under way now.

Saqib Bhatti (Meriden) (Con): I know that the Prime Minister is a true libertarian and must have agonised over today's decision and those taken over recent months. My constituents in Meriden are concerned about a second national lockdown, with schools closing and businesses shutting down. Does my right hon. Friend agree that individual responsibility is more important today than it has ever been? Will he confirm that he will do everything he can to avoid a second full national lockdown?

The Prime Minister: The whole objective today is to avoid that second national lockdown—nobody wants to see that. My hon. Friend is right to point the finger at us: we can do this together if we take responsibility for the way we behave, the way we enforce the rules and the way we act in public places. That is how we will get the R down collectively and defeat the virus.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): Back in July, the Government introduced the Business and Planning Act 2020, which allowed the sale and consumption of alcohol off the premises for as long as the licence of licensed premises. Today, just weeks later, the Prime Minister has come to the House to say that there will be no sales and no service in hospitality after 10 o'clock at night. Will he explain the rationale behind that 10 o'clock curfew and the Government's very fast change of plan?

The Prime Minister: The hon. Lady raises an important point, and I am grateful to her. As Members from all parties have said, these are not easy decisions—nobody wants to curtail the right of restaurants and other businesses to go about their lawful business. What we have seen from the evidence is that, alas, the spread of disease tends to happen later at night, after more alcohol has been consumed. This is one way that we see of driving down the R without doing excessive economic damage. That is the balance we have to strike.

Mark Menzies (Fylde) (Con) [V]: I welcome the measures that my right hon. Friend the Prime Minister has laid before the House today. People who are vulnerable to covid are also extremely vulnerable to seasonal flu, a disease that killed more than 11,000 people last year in the UK alone and is one of the biggest sources of winter pressures on NHS. In the summer, the Government promised one of the largest flu vaccination programmes in history; will my right hon. Friend update the House on what is being done to deliver it?

The Prime Minister: Yes, indeed I can. The biggest flu vaccine programme is going ahead as we speak. Thirty million people will be able to have a flu jab this autumn, and I thoroughly advise Members to get one.

Hannah Bardell (Livingston) (SNP) [V]: There is a wee whiff of hypocrisy here. As the Prime Minister and his Cabinet bring in new measures to combat covid-19, he needs to tell us how he expects citizens throughout the UK to follow his rules and laws when he and his Government openly admit that they are willing to break international law and treaties themselves.

The Prime Minister: I think everybody in this House wants to see the people of this country and help the people of this country to obey the law of the land and get the virus down. That is the objective of this Government.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): Children are very unlikely to be harmed by this virus, and they are also less likely to spread it. In my role as a children's doctor and as a member of the Select Committee on Education, however, I have seen examples of children being harmed by not being in school. Will my right hon. Friend the Prime Minister reassure the House that he will do everything in his power to keep schools open?

The Prime Minister: Yes. I thank my hon. Friend for what she does, and I thank the tens of millions of parents, teachers and pupils up and down the country who rose to the occasion at the beginning of the month and went back to school in overwhelming numbers. They are still at school in spite of the difficulties that they are currently facing. She is so right; it is vital for children and young people to be in school, and we will do everything in our power to ensure that that remains the case.

Munira Wilson (Twickenham) (LD): The Prime Minister will no doubt be aware of the alarming rate at which coronavirus cases are rising among black, Asian and minority ethnic groups, particularly among the Asian population, with some 34% of coronavirus patients in intensive care right now being from ethnic minorities. Can he tell the House how he thinks shutting pubs an hour earlier will address this worrying trend and what action the Government have taken to tackle the disproportionate impact on ethnic minorities since PHE published its report in June?

The Prime Minister: What we have done, as the hon. Lady possibly knows already, is to target testing and enhance protection for those in frontline groups, many of whom come from black and minority ethnic groups. What we are also doing, to stop the spread of infection in some communities, is working much harder with local government and local communities to get the messaging into those communities about the risks of transmission and the basic rules about hands, face, space. Those are among the things that we are doing.

Tracey Crouch (Chatham and Aylesford) (Con) [V]: Sport and physical activity contributes more than £16 billion to the UK economy. It directly employs more than 600,000 people and indirectly employs many more. It has an ecosystem that reaches beyond the pitch, field, court or pool, and its social value, which includes

[Tracey Crouch]

physical and mental wellbeing, is estimated at more than £72 billion. Right now, however, both codes of rugby, football, cricket, netball, hockey, tennis and swimming, to name but a few, are in a perilous situation because spectators cannot return and venues cannot host income-raising events such as conferences. Sport, and all that it directly and indirectly involves, cannot continue to face such losses. Given today's announcement that pauses the return of spectators, will the Prime Minister elaborate on his comments about a financial support package to ensure that sport is not left decimated after the pandemic?

The Prime Minister: My hon. Friend is absolutely right to draw attention to the huge importance of sport to our national economy and our wellbeing. That is why my right hon. Friend the Secretary of State for Digital, Culture, Media and Sport is now working flat out with the Premier League and others to identify ways in which we can keep these clubs going and support sport at all levels throughout the pandemic. One of the things that we are not doing today, as my hon. Friend will appreciate, is stopping outdoor physical exercise or team sports outside. We want that to continue. That is why it is vital that we enforce the package of measures that we have outlined today.

Grahame Morris (Easington) (Lab): Mr Speaker, you will be aware of the recent imposition of further restrictions in the north-east of England. First, I thank the Prime Minister for listening to and acting on the concerns, both individual and collective, from the northern group of Labour MPs about informal childcare arrangements in my constituency and others. However, before he feels my warm embrace, I ask him to provide assurances to businesses in my constituency in relation to the latest announcement of restrictions on businesses. Will he outline what sector-specific support the Government will offer to those worst affected by covid, such as the coach sector, which is on the brink of collapse because of Government inaction, in the main, and the failure to listen to the "Honk for Hope" campaign?

The Prime Minister: We will do whatever we can to support the coach sector and all other sectors across the country. As the hon. Gentleman knows, we have put in place a massive programme of loans, grants and support of all kinds. It is clear that the best thing for businesses in his constituency and across the country is not to paralyse the economy now and not to go back into lockdown, but to defeat the virus in so far as we possibly can and allow the economy to move forward—but we will continue to give whatever help we can.

Mr Steve Baker (Wycombe) (Con): I am thankful for my right hon. Friend's commitments on parliamentary scrutiny. He will know that many Members of the House and members of the public are concerned about the use of delegated powers, and I am sure that he remembers the sifting Committee from the European Union (Withdrawal) Act 2018. Will he please consider whether some innovative thinking can be applied to ensure that the authority of this House is brought to bear on these measures in advance, so that the public can have confidence that their representatives are authorising the use of law to constrain their freedom?

The Prime Minister: Yes; under the current procedures, it is up to the House to confirm that the Executive do have the power to continue measures under the Coronavirus Act, and that will continue to be the case. We are additionally offering—insisting—that there should be a proper debate of these issues in Parliament. There are many different opinions in Parliament, and people need to air them together.

Stephen Timms (East Ham) (Lab): Children were delighted to return to their primary schools earlier this month, but—not surprisingly, after six months of isolation—coughs and colds have spread rapidly among them since. We have been reminded that each primary school has just 10 covid tests. When will primary schools have the wherewithal to test children and staff with symptoms to avoid spreading the virus at school and unnecessary school closures?

The Prime Minister: The right hon. Gentleman is spot on about what has been happening in schools. Sadly, in many cases we have seen a rise in demand for tests because people are, reasonably, unable to distinguish between the symptoms of covid and a seasonal cough or cold. We are trying to address the situation as fast as possible. The one consolation we have is that children are much less likely to suffer seriously, if at all, from the disease, and it seems that they are much less capable of spreading it.

Lucy Allan (Telford) (Con): I thank the Prime Minister for his statement and for his steadfast service to our country during this very difficult time. He understands the long-term harm that a second lockdown would cause to people across the country—to their health, their lives and their livelihoods—as they try their best to get back on their feet. Will he consider targeting protective measures at those who are most at risk, rather than deploying the blunt instrument that is lockdown, which causes so much suffering and offers no hope of a cure?

The Prime Minister: My hon. Friend is right. We are doing everything we can to protect people, particularly those in care homes, who are so vulnerable, as we saw during the early stages of the pandemic. We have massively increased the winter action plan for care homes: putting in another £546 million; stopping movement between care homes; and taking the tough decision to stop visits to care homes in lockdown areas, which is very difficult for elderly people in care homes. The reason that we are taking those and other difficult measures now is that we want to avoid another national lockdown of exactly the type that my hon. Friend also rightly wants to avoid.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): Some of my constituents have been waiting for four days, five days or even longer to get their test results back. In July, the Government rightly promised that 80% of in-person tests would receive their results within 24 hours of booking. That figure is now down to below 20%. That is dangerous: it means that people are not in the tracing system and their contacts are not being traced; it makes it easier for the virus to spread; and it makes it more likely that we will face even tougher restrictions, which the Prime Minister has described, across the whole country. Given that the Government made so many mistakes on testing in the first wave, we cannot afford for him to get this wrong again now. When will that 80% target now be met?

The Prime Minister: Despite the massive increase in testing that we have seen, with a 10% increase in capacity just in the past 10 days or so, we are seeing 64% of people getting their results in 24 hours. I do want to get that up as fast as possible to 80%. I can tell the right hon. Lady that we will double our testing capacity by the end of October, to 500,000 tests a day, and we are already testing more people than any other country in Europe.

Mr Speaker: Permission to land a question: Bob Blackman.

Bob Blackman (Harrow East) (Con) [V]: Thank you, Mr Speaker.

I welcome my right hon. Friend's statement and clear statement of purpose to conquer this terrible virus. One key concern locally has been the failure to comply with the regulations on the wearing of a face covering in shops and on public transport. Clearly, with these new restrictions coming into place, one key issue will be ensuring that people comply with the requirements. Equally, people do not want to get to a position where they are forced to wear a face covering in the open air as they are just going about their normal business. Will he state for the House what he is going to do to make sure that the message gets across to people that failing to comply with these rules is selfish and potentially places others at risk?

The Prime Minister: My hon. Friend is spot on, which is why we are increasing the fines from £100 to £200. You are protecting yourself and protecting other people, so you wear a face covering where you should.

Richard Burgon (Leeds East) (Lab [V]): Shamefully, the UK has had the one of the highest coronavirus death rates in the world. If we had had Germany's deaths per million rate, we would have had more than 30,000 fewer coronavirus deaths. If we had had the much lower death rates of South Korea and New Zealand, we would have had more than 40,000 fewer deaths. So will the Prime Minister take responsibility for our unacceptably high death rate? To avoid a repeat this winter, will he now pursue the zero covid strategy that the Independent SAGE is calling for, and that countries such as South Korea and New Zealand are successfully implementing?

The Prime Minister: What we are pursuing, with the support of the Opposition, is a policy of driving this virus down, while allowing education and our economy to continue. I hope the hon. Gentleman will lend his support to that effort as well.

Paul Bristow (Peterborough) (Con): I thank the Prime Minister for his statement and for his leadership during this crisis, but will he also commit to a vote in this House prior to any further steps towards a full second national lockdown?

The Prime Minister: I thank my hon. Friend for his question. We are continuing to expand testing and tracing, and it is by driving down this virus that we will be able to take the country forward to a much, much brighter future. If people focus on the measures we have outlined today, particularly on obeying the guidance on social distancing, together we will defeat covid.

Peter Grant (Glenrothes) (SNP) [V]: It is clear this afternoon that there is significant agreement across the House that the restrictions the Prime Minister has announced, although not necessarily popular, are necessary. There is also a great deal of cross-party agreement that the support schemes for businesses need to be extended at the same time as the restrictions are extended. So rather than simply rejecting it out of hand, will he agree to an invitation to speak to business leaders, trade union leaders and Opposition parties, in order to put together a financial support scheme for not only those employees who currently rely on the furlough, but the tens of thousands of small business owners who have been left without any support at all during the past six months?

The Prime Minister: I have had the opportunity in the course of the past few months to talk to many businesses up and down the country—across Scotland—and they have uniformly been appreciative of the support the Government have given so far. As I have said earlier, we will ensure that we maintain a very creative and imaginative approach in helping those businesses, but the best thing we can do is fight the virus and keep the economy moving.

Derek Thomas (St Ives) (Con): I thank the Prime Minister for his statement. He is right to say that it is the co-operation and good sense of the British public that has seen the spread of this difficult outbreak curtailed. My constituents will continue to do exactly what is required of them, but the truth is that Cornwall has a very low rate of covid-19, and that has been the case throughout. What message of hope can the Prime Minister give to teenagers going to schools and colleges who are being asked to wear face masks when not in class, to churchgoers who have been blocked from freedom of worship, and to businesses that have yet to open and are continually frustrated from doing so?

The Prime Minister: Churchgoers will continue to have freedom of worship under the proposals. We want life, as far as we possibly we can, to keep going as normally as possible. We want the economy to keep moving. The best hope I can offer my hon. Friend's constituents, for whom he fights so valiantly, is that we get this virus back under control, take the country forward and keep the economy moving. That is the best prospect for our country.

Mr Ben Bradshaw (Exeter) (Lab): Does the Prime Minister think that the reason Germany and Italy have far lower covid rates than us, with life continuing more or less normally, might be that they have locally and publicly run test and trace services that actually work?

The Prime Minister: No, I don't, and I think the continual attacks on local test and trace and what NHS Test and Trace has done are undermining and unnecessary. Actually, there is an important difference between our country and many other countries around the world: our country is a freedom-loving country. If we look at the history of this country over the past 300 years, virtually every advance, from free speech to democracy, has come from this country. It is very difficult to ask the British population uniformly to obey guidelines in the way that is necessary. What we are saying today is that collectively—I am answering the right hon. Gentleman's

[*The Prime Minister*]

question directly—the way to do that is for us all to follow the guidelines, which we will strictly enforce, and get the R down. That is the way forward.

Rob Roberts (Delyn) (Con): Appreciating the frustrations of people who currently have symptoms and are finding it difficult to get tests, does my right hon. Friend agree that with capacity going up by over 10% in the past few weeks, four new labs coming online and hundreds of additional staff, we can reach our target of half a million tests a day by the end of October? Does he agree that that would be an amazing achievement against a virus that we were only first learning about a few short months ago?

The Prime Minister: It will not surprise my hon. Friend that I fervently agree with the way he characterises the achievements of NHS Test and Trace. His optimism and encouragement of NHS Test and Trace could reasonably be echoed by those on the Opposition Benches.

Afzal Khan (Manchester, Gorton) (Lab) [V]: Manchester is home to two of the largest universities in the country, with a combined student body of nearly 80,000, many of whom choose to live in my constituency. With so many students returning to the area, this is an incredibly difficult time for the community, and for students and their families, who are concerned for their safety. With the surge in infections and the second wave now in evidence, what advice do the Government intend to give to universities on keeping their students, staff and the wider community safe?

The Prime Minister: The most important thing is that the students who are now back at university in large numbers should, like everybody else, follow the guidelines. It is also important that, where there are outbreaks in universities, students should not be going home to infect their older relatives.

Huw Merriman (Bexhill and Battle) (Con): The districts of Wealden and Rother, which comprise my constituency, have in the past week each recorded just four covid conditions per 100,000 of population. The Prime Minister said that palpable progress will need to be made if the new measures are not to last six months. Will he consider freeing areas with lower rates from the restrictions earlier, if progress is made across the nation?

The Prime Minister: Of course, and that is why we are putting our hopes and confidence in a local, regional approach, rather than a blanket, one-size-fits-all national approach. We hope that those areas that are complying with the rules—and the vast majority of people are complying with the rules—will be able to see the opportunities that my hon. Friend describes.

Zarah Sultana (Coventry South) (Lab): The Prime Minister calls it NHS test and trace, but would it not be more accurate to call it Serco test and trace, as it has been outsourced, like other health contracts, often to friends and family members of Tory MPs, lining their pockets while taking the public for a ride? Despite its record of failure, last week Serco was handed another test and trace contract, worth £45 million. These giant

corporations put private profit before public health. Is it not time to end the scandal of outsourcing and bring these contracts into public hands for a genuine NHS test and trace?

The Prime Minister: I have to say that I think the hon. Lady is grossly undermining the huge effort of local authorities, which are an integral part of NHS test and trace. They are doing a magnificent job and I thank each and every one of those individuals for what they are doing. We are putting another £300 million into supporting our local authorities deliver test and trace, and of course it is right that we should reach out across the entire UK economy, and our armed services, to help them and us deliver on this enormous project, and we will continue to do so.

Douglas Ross (Moray) (Con): I welcome the work that has been done across the four nations in recent days, as people expect our Governments to work together and unite as we tackle this virus, but given that the restrictive measures could be with us across the UK for the next six months or longer, what guarantee can the Prime Minister give that the UK Government will continue to support Scottish employers and workers in areas affected by the measures when the furlough scheme ends?

The Prime Minister: I thank my hon. Friend and, as I have said to Scottish colleagues across the House, we will continue to put our arms around workers and firms—businesses and jobs—across the country. That is why the furlough scheme was rolled out—the most imaginative and generous of any such scheme in Europe. As I have said, we are providing for every person in Scotland an extra £1,200 to help fight coronavirus, and £5.3 billion more was announced just this summer alone. The people of Scotland and the people of the whole UK can count on this Government to stand by them throughout the crisis.

Jim Shannon (Strangford) (DUP): I thank the Prime Minister for his statement today, but can he confirm that scheduled surgery—such as hip replacements, removal of tonsils, cancer surgeries, and diabetic screening and treatment—will continue with high standards of protection in place, that we will not see people falling through the gaps, and that where there are long waiting lists they will be reduced?

The Prime Minister: The whole objective of trying to prevent another boom in coronavirus suffering—a boom in coronavirus patients—is to protect the NHS and allow scheduled surgery of the kind the hon. Gentleman describes to continue.

Jonathan Gullis (Stoke-on-Trent North) (Con): Unfortunately, in Stoke-on-Trent North, Kidsgrove and Talke, schools such as the Excel Academy and Ormiston Horizon Academy have staff and students testing positive for coronavirus. Does my right hon. Friend share my concerns about staff and students being away from the classroom as they await testing? Does he agree that schools should be prioritised for testing to ensure that both staff and students are back in the classroom as soon as possible?

The Prime Minister: Yes, indeed, and I want to thank the staff and students in my hon. Friend's constituency and across the country for the 99.9% of schools that are now back open. The vast majority of pupils are back in their schools, and they should have confidence to be there. They are in the right place; it is by far the best place for them to be. We are sending out new test kits the whole time and there is an online portal through which every school can now access the tests that they need.

Kim Johnson (Liverpool, Riverside) (Lab): Liverpool begins local lockdown measures today. When restrictions were first imposed six months ago, the Prime Minister outlined a package of financial support for local government. We did all that was asked of us, but we have now been left with a £23 million funding gap. What support is the Prime Minister able to announce today for hard-hit councils?

The Prime Minister: As I have told the hon. Lady before, I believe that we have put about £3.7 billion into supporting local government. We will continue to support local government, and I will look at the £23 million funding gap that she raises with me today.

Stephen Crabb (Preseli Pembrokeshire) (Con): Working from home has been great for many, such as senior managers living in larger properties with nice gardens, but that has not been the experience for a great many others living in cramped, overcrowded accommodation. Does my right hon. Friend recognise that there will be dismay today among those people for whom a return to covid-secure workplaces has been so important for their mental, physical and social wellbeing? It feels like it will be a long six months for them, having to work back in their own homes.

The Prime Minister: I thank my right hon. Friend, but it is important that he should not misunderstand what we are saying today. Where people must go into work for their job, their mental health, their wellbeing or whatever it happens to be, then of course they should do so. What we are saying is that they should work from home if they can, and I hope he appreciates the distinction and gives his constituents that reassurance.

Marion Fellows (Motherwell and Wishaw) (SNP) [V]: The Chancellor pledged at the start of this crisis that the UK Government would do "whatever it takes" to help people, and the Prime Minister has said today that he will put his arms around the workers of this country. If these statements are to be believed, will the Prime Minister commit to extending the furlough, to save jobs in Motherwell and Wishaw and across the UK and, for those not in work, will he make permanent the £20 uplift in universal credit and extend it to all legacy benefits?

The Prime Minister: I am glad that the hon. Lady draws attention to the increase in universal credit, which is probably worth about £4,000 to the poorest families in our country. I am also proud of what we have done on the living wage. I can tell her that of course we will continue to support people across the country, but to repeat my point, the most important thing is for the economy to keep moving, for jobs to be created and for people to get back into work.

Jason McCartney (Colne Valley) (Con): My constituency, as part of Kirklees, goes back into local restrictions today, and we have just heard about the new measures that could last up to six months, taking us through the busy Christmas period. Will the Prime Minister ask the Chancellor if he will now lay out a financial support package for hospitality, including the likes of the wedding industry, marquee companies, small breweries, freelance musicians and performers, event venues and many more, whose livelihoods will be impacted by the measures he has announced today?

The Prime Minister: The sectors that my hon. Friend refers to have in many respects already been provided for and supported, but clearly there will be further demands. I know that my right hon. Friend the Chancellor will be applying his imagination and creativity to helping those sectors in the months ahead, but the best thing for them is to get back to life as close to normal as possible by getting this virus down. That is the point of the package of measures that we are announcing today.

Navendu Mishra (Stockport) (Lab): Last week I received a letter from the Health Minister informing me that a new covid testing centre would be available for my Stockport constituents some 240 miles away at the University of Greenwich campus in Kent. I am willing to accept that this might have been an administrative error, but it is entirely possible that the letter is accurate, given that many of my constituents are already having travel more than 70 miles for a test in Telford. Is it not time that this Government got a grip and provided comprehensive testing like our partner countries, or will their shambolic handling of the pandemic once again lead to the highest covid death toll in Europe in the imminent second wave?

The Prime Minister: I am afraid that I must correct the hon. Gentleman's figures. We are now testing more than any other country in Europe, and the median journey is, I think, about 5.8 miles. No journey is permitted to be more than 75 miles, so I do not recognise the figures that I have heard from him.

Chris Clarkson (Heywood and Middleton) (Con): My constituency is one of several under local measures, and has been for several weeks, so I would like to pay tribute to my constituents—the businesses, individuals and families who have made great sacrifices to keep this country safe. In welcoming today's statement, may I ask the Prime Minister for an assurance that this represents a circuit break and not a hard-wiring of policy, and that as it is reviewed we will follow all the scientific data to ensure that we get back to normal as soon as possible?

The Prime Minister: Yes, the intention of these measures is collectively to depress the R but to keep the economy and education functioning. That is what we are trying to do.

Ian Mearns (Gateshead) (Lab): Can the Prime Minister, for the sake of absolute clarity and to remove any doubt about potential mixed messaging, please confirm that the measures he has announced today in the national context do not supersede or dilute the more stringent measures announced last week for Tyne and Wear, Northumberland and Durham, where case numbers

[*Ian Mearns*]

have, sadly, been growing rapidly, despite a local reduction in testing capacity? Will he also confirm what additional support he will put in place for businesses and workers in the north-east in sectors where activity has been greatly reduced by covid restrictions?

The Prime Minister: The hon. Gentleman is completely right in what he says about the areas currently in local lockdown measures. We are, of course, giving them extra support to get them through lockdown, as he would expect.

Suzanne Webb (Stourbridge) (Con): Will my right hon. Friend join me in thanking all those on the frontline at the covid-19 test centres and in the labs? They are working incredibly hard to keep up with the unprecedented demand as we grow our testing capacity to 500,000 a day by the end of October.

The Prime Minister: Yes, indeed. I thank each and every one of the people involved in NHS test and trace. They are doing an outstanding job, in spite of the massive increase in demand, and I am delighted that my hon. Friend has paid tribute to them just now.

Sarah Owen (Luton North) (Lab): How does the Prime Minister justify recent reports that every child at Eton gets a covid test, while 10% of children and staff at Gill Blowers nursery in Luton have to stay at home and isolate while they wait for tests that show no sign of coming? Can he tell us how many schoolchildren are self-isolating because they cannot afford to buy their own tests and why, if there is so much spare capacity, not every child can get a test when they need it?

The Prime Minister: Every child with symptoms should automatically get a test—that is, everybody with symptoms should get a test. I can tell the hon. Lady that we are massively expanding testing across the country. I repeat the points that I made earlier: it is one of the few things for which we can be thankful in this epidemic, that the virus affects children and young people—the youngest of all—much less than older people, and there is much less evidence that they pass covid on in the way that other people do.

Marco Longhi (Dudley North) (Con): Does my right hon. Friend agree that the best way to support our heroic staff at Russells Hall Hospital in Dudley, as well as care staff and indeed residents in care homes, is to reinforce the central message of washing our hands, maintaining social distancing and wearing face coverings where appropriate?

The Prime Minister: My hon. Friend puts it very well and very succinctly, and I really could not add anything to what he said.

Helen Hayes (Dulwich and West Norwood) (Lab): One of the most shocking aspects of the coronavirus pandemic has been the disproportionate impact on black, Asian and minority ethnic residents. When Public Health England published a report documenting that injustice, the Government were warned that they needed to act immediately to stop further preventable deaths,

but we have seen no urgency. The chair of the British Medical Association is now warning that Government inaction will lead to more preventable deaths of black, Asian and minority ethnic residents over the winter. What is the Prime Minister going to do about it?

The Prime Minister: I have already mentioned that we have done a great deal to target measures to protect those in frontline jobs, including many from black and minority ethnic groups. I thank and pay tribute to those public servants, many of whom have done such a fantastic job throughout this crisis at great personal risk. I really thank them for what they are doing, and we are doing everything we can to protect them. Where there are vulnerable communities that need to understand the guidance about coronavirus, we are doing everything we can to get the messages home. Those are just some of the things that the Government are doing.

Mr David Jones (Clwyd West) (Con): Could my right hon. Friend say to what extent the measures he has announced today are being co-ordinated with the devolved Administrations? I raise the issue because in Wales different arrangements have sometimes been the cause of confusion, not least because most Welsh residents take their news from the London-based media.

The Prime Minister: Actually, over the last few weeks and months, there has been an exceptionally high degree of collaboration between the UK Government and all the devolved Administrations. Yesterday, I had good conversations with Mark Drakeford about what he is doing, and it bears an uncanny resemblance to what the rest of the UK is doing.

Olivia Blake (Sheffield, Hallam) (Lab): Clarity is key to public trust. Many people have been confused by the Government's mixed messages on public health measures. Can the Prime Minister guarantee that none of his Ministers or advisers will contradict the rules he has set out today, and that if they do so, they will be disciplined?

The Prime Minister: It is up to all of us to obey the guidance and to urge everybody in this country to obey the guidance and follow the rules, because that is the way we will defeat the virus.

Ian Levy (Blyth Valley) (Con): Blyth Valley has recently faced tighter restrictions as an immediate response to a rise in local cases. I know that these measures are necessary in controlling this deadly virus, but they have a real impact on families, businesses and local communities. I welcome the decision yesterday by my right hon. Friend the Health Secretary to lift the ban on informal childcare; I know that that move will be a relief to many of my constituents. May I ask my right hon. Friend the Prime Minister to continue to do all he can to support families through this tough time?

The Prime Minister: I thank my hon. Friend for the way he represents Blyth Valley. I can tell him that we will continue to listen to people and to respond to their concerns in any way that we can.

David Linden (Glasgow East) (SNP): With 2.4 million households in the UK facing fuel poverty this winter, a figure that will only be exacerbated by the pandemic,

will the Prime Minister consider introducing a one-off covid-19 winter fuel payment to every household at risk?

The Prime Minister: We will consider all sorts of measures to alleviate poverty and suffering in the months ahead. The best thing we can do is to follow this package of measures scrupulously, drive down the virus and keep the economy moving.

Tim Loughton (East Worthing and Shoreham) (Con): The last six months have been tough for our country, and it sounds as though the next six months will be too. It is vital that we take our constituents with us and that they have confidence in and understand what is being asked of them. At the beginning of the lockdown, the Prime Minister looked into the camera and said, “I need to level with you, folks,” and the nation sat up and listened. Can we have more of those “level with you” moments, where the Government give clear and consistent data, with clear explanations of how the regulations are working and why, rather than leaving the people at the mercy of covid deniers, so-called independent experts and professors of hindsight?

The Prime Minister: I am grateful to my hon. Friend. We will do everything we can to share the data with Parliament in real time and give colleagues the opportunity to debate and discuss the issues. I think the more that colleagues are able to look at the facts and study them, the more they will see that a balanced, proportionate approach such as the one we are taking today is the right one.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I thank all those working on testing, because they are doing remarkable and life-saving work, but that does not mean that the Prime Minister can simply brush off serious questions about failures in systems on something so crucial to this fight. First, has he now fixed the problems in the UK Lighthouse lab system that have negatively affected Wales and caused the Welsh Government to have to plug the gaps? Secondly, is it true, as Dido Harding has said, that people will have to pay for his so-called moonshot tests?

The Prime Minister: We are not only fixing the problems; as the hon. Gentleman will know, we are building four more Lighthouse labs. On the machines in question that needed to be supplied, we have secured them, and we are moving forward. I am confident that we will have the capacity to do 500,000 tests per day by the end of October. That is an extraordinary thing. On the ambition for mass testing, I think that is a great thing, and the Government will support it.

Mr Laurence Robertson (Tewkesbury) (Con): The last lockdown, which was quite severe, did succeed in reducing the spread of the virus, but it did not eradicate it. What confidence can we have that these measures will actually eradicate it to the extent that we will not be in this Chamber in six months’ time discussing further lockdown measures? What discussions has the Prime Minister had with scientists and health experts to find a proper way forward?

The Prime Minister: My hon. Friend asks a most important question. The virus is not one that is readily capable of being eradicated, and what we have to do is

drive it down as far as we possibly can, keep it under control and restrict outbreaks as fast and as far as we possibly can. Riding to our rescue and to the rescue of the economy will be several things. First, I think that we will be able to continue with the measures that we have to control the virus and to get the R down, provided people obey—

Mr Speaker: Please, Prime Minister.

The Prime Minister: Forgive me, Mr Speaker. Provided people obey the guidelines we have set out.

Mr Speaker: I call Stephanie Peacock.

Stephanie Peacock (Barnsley East) (Lab): Sadly, the reason we are facing greater restrictions is that the Government have failed to establish an effective testing system. My constituent was not able to access a test for her son, who was sent home from school and asked to travel 300 miles for a test. Despite the fact that I raised her case in the Chamber last week and received assurances from the Secretary of State for Health and Social Care, she still cannot get a test and has still had no contact. When will the Prime Minister fix the testing system?

The Prime Minister: I increasingly think it is disgraceful that the Labour Opposition continue to blame NHS Test and Trace for the resurgence of the disease. There is a complete hiatus in their logic. They are talking absolute nonsense. Testing and tracing has very little or nothing to do with the spread or the transmission of the disease. The spread and the transmission of the disease is caused by contact between human beings and all the things that we are trying to minimise. Of course NHS Test and Trace is vital, but the way to fix the problem now is for the whole country to follow this package of guidance, drive the R down and allow both education and the economy to continue. There is a complete flaw in the Opposition’s logic.

Stephen Hammond (Wimbledon) (Con): I thank my right hon. Friend for his statement. It is clear that the country is now living with covid, probably for six months but maybe longer. We know that life changes, so will he commit to regular reviews of these measures, to ensure their necessity? As life keeps going, we need families, so will he consider an early review of the rule of six for primary school children, so that they can meet grandparents, cousins and aunts?

The Prime Minister: We will, of course, keep all these measures under review continually. None of them are measures that we want to bring in, but they are measures that we believe are necessary, and I am delighted that they are supported by the Labour party.

Tim Farron (Westmorland and Lonsdale) (LD): I accept the need for these restrictions, but the Prime Minister must know that they come at the worst possible time for hospitality and tourism in Cumbria, the lakes and dales and elsewhere, because furlough is ending just as the low season begins. He could back the targeted package proposed by the tourism industry and me to save jobs and businesses through these tough winter months, or he could cost the taxpayer billions in benefits and lost tax revenue by letting them all go to the wall. Will he meet me and tourism and hospitality industry leaders, so that we can find a solution and save jobs?

The Prime Minister: I thank the hon. Gentleman for what he says on behalf of the tourism and hospitality industry in his area, which is a fantastic place to visit. I certainly undertake to ensure that his delegation is able to meet the relevant Minister to find a way forward. We will continue to support tourism and hospitality, as we have throughout this crisis.

Andrea Jenkyns (Morley and Outwood) (Con): I welcome my right hon. Friend's statement during these difficult times and congratulate him on rising to the challenge. It is such a shame that the Leader of the Opposition and Opposition Members have not always had a positive and constructive approach, given the severity of the situation. In my constituency, I have been campaigning hard for our high streets, which are facing challenge after challenge. What support can my right hon. Friend give retailers in these difficult circumstances?

The Prime Minister: I thank my hon. Friend for what she says. The best thing we can do for retail, which we opened up again in June, is to ensure that we keep it open and that people can keep going to the shops in a covid-secure way, including on the high streets in Morley and Outwood. That is the way to take our country forward. But the way to do it is to follow this package of measures to the letter. I am delighted that it has Opposition support, which, as she rightly says, is not uniform or everyday, but we have got it today. Let us work with it and get that message across to the country.

Apsana Begum (Poplar and Limehouse) (Lab): Through the testing scheme, we have seen that the BAME population has suffered most from covid-19. What assurances can the Prime Minister give that ethnic minority communities can be prioritised for testing? My constituency has a high Bangladeshi population, which has suffered the highest number of excess deaths of any ethnic group.

That community is devastated. It really needs assurances that it will be prioritised for testing, along with other ethnic groups.

The Prime Minister: We grieve for what has happened in black and minority ethnic communities. The hon. Lady is right in what she says about the Bangladeshi community. We will do everything we can to get all the groups in our country that need testing the testing they deserve as fast as we possibly can. All I can tell her is that we have hugely expanded our testing capacity. There is a hierarchy of need, of priority groups, which she will have seen. We will do everything we can to ensure that black and minority ethnic groups get the support and protections they need, in addition to the measures that we have already taken, which I outlined earlier.

Andrew Selous (South West Bedfordshire) (Con): Constituents who have spent a lifetime in public service wrote to me over the weekend saying, "We are on the point of giving up". Churchill said he had nothing to offer but blood, toil, tears and sweat, but Jeremiah 29 talks about giving us hope and a future. What can the Prime Minister say to people to give them hope over the next six months as we deal with this dismal pandemic?

The Prime Minister: I think we have every hope. You cut me off, Mr Speaker, when I was going to answer an earlier question—quite properly. The answer is that we have every chance, if we follow this package of measures, of driving the R down, keeping our economy moving and keeping education going. Science is helping us every day. Dexamethasone, trialled in this country, is now reducing the number of deaths. We have the prospect of a vaccine. All the medical guidance I have is that, by next spring, things will be vastly improved. I do not deny for a minute that things are going to be tough for our country and our people for months to come, but we will get through it, and we will get through it well, particularly if we follow the package that we announced today.

Point of Order

2.10 pm

Conor McGinn (St Helens North) (Lab): On a point of order, Mr Speaker. Last Monday, after speculation about Merseyside being placed into a local lockdown, I contacted Ministers at the Department of Health and Social Care to ask for a briefing for me and other MPs in the region. I contacted their offices directly, by telephone and email, every day last week and had no reply or even acknowledgement.

As you will know, Mr Speaker, on Friday, news of a lockdown in large parts of the north-west was released by the Government to the media and the public. Hundreds of my constituents and, I expect, yours, were in touch over the weekend. I still had not received contact of any kind from the Department until I was offered a meeting yesterday, days after the announcement, which was frankly neither use nor ornament.

I realise that we have suspended normal practices in the House, but I had not realised that we had ended established courtesies. Could you advise how I and many other hon. and right hon. Members might get the Government to understand that MPs want to assist in communicating the importance of these vital messages to our constituents, but that, if we do not know what they are, we cannot?

Mr Speaker: I thank the hon. Gentleman for giving me notice that he wanted to raise a point of order. He is absolutely correct that we have to engage earlier—we should not be waiting and waiting. I remind Ministers and their Departments of the responsibility to contact Members who are going to be affected. This does not help the Department, and it does not help the MP to actually represent their constituents. People in this House are elected to represent their constituents, and Ministers need to respond quickly when Members need information. Of course, it is not a point of order for me, but I hope that the Treasury Bench, and all other Departments, will have picked up on that. Members matter. MPs are elected. I expect those responses early, not at Ministers' convenience, when the weekend's gone and time has followed. No further comments on the point of order.

In order to allow the safe exit of hon. Members participating in this item of business and the safe arrival of those participating in the next, I am suspending the House for three minutes.

2.14 pm

Sitting suspended

Virtual participation in proceedings concluded (Order, 4 June.)

Planning (Proper Maintenance of Land)

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

2.17 pm

Jonathan Gullis (Stoke-on-Trent North) (Con): I beg to move,

That leave be given to bring in a Bill to make provision for increased fines for failures to comply with a notice under section 215 of the Town and Country Planning Act 1990.

We are incredibly lucky as a nation to have such a vast and well-documented history. The built history is our physical connection to the past and those who came before us. As Members we feel that connection each time we walk through the ancient Westminster Hall, but whether it is the great beams that support its roof, or the narrow terraces and redbrick factories of our industrial heartlands, all have equal importance and all must be protected. Therefore, the law must allow the courts the flexibility to punish those who seek to destroy our heritage, and that is what I seek today through the introduction of this Bill.

Some in our nation do not share our passion to protect and preserve our history. Rogue landlords and property owners are endangering the historic buildings that we must preserve as a nation. This is a national issue, but I wish to use an example of a historic building in my own constituency of Stoke-on-Trent North, Kidsgrove and Talke to illustrate our plight. The once glorious 18th-century teapot works Price and Kensington sits just outside the mother town of Burslem. The site is privately owned and has fallen into serious disrepair at great expense to the taxpayer of Stoke-on-Trent.

Price and Kensington is a large complex of factory buildings situated next to the Trent and Mersey canal and is a grade II* listed building. It is of national importance: it is the only such factory left in existence that demonstrates how the pottery industry evolved over time. Sadly, though, due to the actions of a rogue owner, most of the buildings are not safe for use. Damage is being caused by the systematic removal of slates and windows by the rogue owner, who is determined to do all he can to destroy this building, leaving him with a vacant site to sell for profit—a profit at the expense of our built heritage and of the taxpayer.

The owner knows that the punishment for breaking the law in such a way is weak. He knows he can get away with it. As well as removing structural parts of the building, the rogue owner has illegally let parts of it out to individuals under investigation for drug offences, human trafficking and the illegal disposal of hazardous waste. The site is regularly subjected to arsonists and thieves, who seek to light the flammable material the owner has placed across the site.

In October 2019, the condition of the historic front range of buildings, which sat directly adjacent to a strategic road, was collapsing. Despite notices being served on the owner to carry out repairs, the council had no option but to demolish this section of the building on the site under the Building Act 1984 and to seek compensation from the owner by placing a charge on the land. It was either that or having the building collapse on to passing traffic.

This was not the first time that Stoke-on-Trent City Council intervened at Price and Kensington. Most notably, over the past four years, the council's planning and

[Jonathan Gullis]

enforcement team have launched numerous actions against the owners, all at the expense of the taxpayer. This House is aware of the duties placed upon local authorities by law to protect heritage assets. However, the responsibilities that rest upon the owner, especially an unco-operative owner, are not as they ought to be. This can leave taxpayers massively out of pocket.

Sections 215 and 216 of the Town and Country Planning Act 1990 provide legislative routes for local authorities to act against owners who do not repair their buildings. If a landlord or an owner, as in the case of Price and Kensington, refuses to adhere to a section 215 notice, the provisions laid out in section 216 come into force. The failure to comply with the notice is an offence that can lead to a conviction and a fine. However—and here we arrive at the crux of the issue—the maximum fine for this offence is a level 3 on the standard scale: a mere £1,000. If the notice is still not complied with, the legislation allows for a daily fine of up to £100 on a second conviction. Alternatively, the local authority can carry out the works and place a charge on the land to recover costs. However, in areas such as mine, where land values are low, as is the case in many former industrial towns and cities, this is not a financially viable option for the council.

To demonstrate that, let us look at the figures. The cost of repairs for Price and Kensington are estimated to be well over £5 million. The land is valued at only £70,000. Last year, magistrates at North Staffordshire Justice Centre found Middlesex-based Charles Lewis & Co. guilty of failing to comply with a notice issued by the city council. It was handed a £1,000 fine, a £100 victim surcharge and a £530 fine for council costs. A £1,000 fine is not even 1% of the site value.

In situations such as the one I have described, the local authority is essentially left with two limited but costly options. The first is an urgent works notice under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This can apply only to repairs in unoccupied sections and related to weather-proofing and keeping the building safe from collapse. If the owner takes no action, the council must carry out the repairs and invoice the owner. This is often converted to a land charge through the courts, meaning that the council and, again, the taxpayer is effectively left to foot the bill, letting rich property owners and developers off the hook.

The second option is to issue a repairs notice under section 47 of that Act. This notice requires a landlord or owner to carry out reasonable works to protect and preserve the building, notably if there is architectural or historical significance to the site. The council must create a detailed schedule of works, and if they are not carried out, the only option left to the council is to issue a compulsory purchase order. There are no other legal or financial penalties for non-compliance with the notice and the works cannot be carried out in default by the

council. These restrictions and meaningless punitive measures often render local councils tied at the wrists, as the outcomes as outlined in legislation do very little to alleviate the finances and efforts expended during the process by the local authority. It is imperative that we increase the fines that can be levied on the owners who allow heritage negligence.

Although Price and Kensington is the most damning example of this disregard in the constituency I serve, there are many other buildings with similar dilemmas across Stoke-on-Trent, from the Central Hotel in Burslem to Commerce works in Longton. However, this is an issue not just for the Potteries, but across the country. The successful passage of this Bill will help hundreds of historic buildings that find themselves in a similar state to Price and Kensington. Birnbeck pier in Weston-super-Mare is privately owned with an owner unwilling to co-operate. What about the Walton Works in Chesterfield? That is another grade II* listed building falling into the ground as the private owner does nothing. The pithead baths at Lynemouth in Northumberland have lain vacant for more than 20 years while the commercial company waits for the building to collapse of its own accord. Shuttleworth Hall in Burnley, a 17th-century building, faces an uncertain future because the law lets the property owner off the hook. A £1,000 fine is much less than the cost of repairing these iconic and protected buildings.

There are more than 5,000 entries on the heritage at risk register. This Bill would enable the relevant authorities to take action against those who destroy this nation's heritage. That is why I have the unreserved support of Historic England in my endeavour to see the law changed and our nation's heritage assets protected. Historic England agrees that stiffer penalties are paramount to efficiency, local authorities and the security of our heritage.

In addition, it was a pleasure to have the opportunity to make my case on this issue directly with my right hon. Friend the Secretary of State for Housing, Communities and Local Government. I hope that the Government will look to include the Bill in the forthcoming planning reform Green Paper.

Our silence so far on this issue has been deafening. We must act now to give the courts the powers to levy unlimited fines against those who destroy the nation's built heritage. I hope I have the full support of the House for the changes I seek today.

Question put and agreed to.

Ordered,

That Jonathan Gullis, Chris Clarkson, Mrs Pauline Latham, Andrew Rosindell, Aaron Bell, Martin Vickers, Peter Gibson, Tim Loughton, Marco Longhi, Lee Anderson, Simon Hoare and Mr Andrew Mitchell present the Bill.

Jonathan Gullis accordingly presented the Bill.

Bill read the First time; to be read the Second time on Friday 29 January 2021, and to be printed (Bill 184).

United Kingdom Internal Market Bill

[*Relevant Documents: First Report of the Northern Ireland Affairs Committee, Unfettered Access: Customs Arrangements in Northern Ireland after Brexit, HC 161, and the Government response, HC 783; oral evidence taken before the Northern Ireland Affairs Committee on 16 September 2020, on Brexit and the Northern Ireland Protocol, HC 767.*]

[4TH ALLOCATED DAY]

Further considered in Committee

[DAME ROSIE WINTERTON *in the Chair*]

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): I should explain that, in these exceptional circumstances, although the Chair of the Committee would normally sit in the Clerk’s chair during Committee stage, in order to comply with social distancing requirements, I will remain in the Speaker’s Chair, although I will be carrying out the role not of Deputy Speaker but of Chairman of the Committee. We should be addressed as Chairs of the Committee, rather than as Deputy Speakers.

Clause 1

PURPOSE OF PART 1

2.27 pm

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

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

Government amendment 90.

Amendment 89, in clause 2, page 2, line 8, leave out from “requirements)” to end of line 10 and insert “must meet the relevant requirements of the part of the United Kingdom with the highest level of standards for that sale of that good.”

This amendment would ensure that any good produced, or imported, into the United Kingdom would have to meet the level of standards for sale of that good in the part of the UK with the highest level standards.

Government amendment 91.

Clause 2 stand part.

Amendment 34, in clause 3, page 3, line 24, leave out “consult” and insert “gain the agreement of”.

Clause 3 stand part.

Amendment 73, in clause 4, page 3, line 35, leave out “not”.

The intention of this amendment, linked to Amendment 74, is to ensure that mutual recognition applies to existing legislation as well as future legislation.

Amendment 74, page 3, line 36, leave out from “principle” to end of line 10 on page 4.

The intention of this amendment, linked to Amendment 73, is to ensure that mutual recognition applies to existing legislation as well as future legislation.

Clauses 4 and 5 stand part.

Amendment 35, in clause 6, page 5, line 22, leave out “consult” and insert “gain the agreement of”.

Clauses 6 and 7 stand part.

Amendment 86, in clause 8, page 6, line 40, at end insert—

“(c) the promotion of environmental, social and labour standards.”

This amendment would expand the definition of “legitimate aim” that could permit discrimination against incoming goods to include the promotion of environmental, social and labour standards.

Amendment 36, page 6, line 41, after “State” insert “, after obtaining the agreement of the devolved administrations.”.

Clause 8 stand part.

Amendment 76, in clause 9, page 7, line 4, leave out “not”.

The intention of this amendment, linked to Amendment 77, is to ensure that the non-discrimination principle applies to existing legislation as well as future legislation.

Amendment 77, page 7, line 8, leave out subsections (2) and (3).

The intention of this amendment, linked to Amendment 76, is to ensure that the non-discrimination principle applies to existing legislation as well as future legislation.

Clause 9 stand part.

Amendment 78, in clause 10, page 7, line 17, at end, insert—

“(2A) In making these regulations, the Secretary of State must have special regard to the need to maintain the integral place of Northern Ireland in the United Kingdom internal market.

The intention of this amendment is to ensure that further exclusions from the application of the access principles have regard to safeguarding unfettered access of NI businesses to the UK Internal Market.

Clause 10 stand part.

Government amendments 5 and 6.

Amendment 79, in schedule 1, page 44, line 40, at end, insert—

“(6A) In the case that there is one REACH authorisation process for Great Britain, an authorisation that is lawful for the Northern Ireland market will be valid for the Great Britain market.”

The intention of this amendment is to apply the non-discrimination principle to the REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) regime.

Government amendment 7.

Amendment 80, page 45, line 2, at end insert—

“(8A) The United Kingdom market access principles do not apply to fisheries within the jurisdiction of Scottish Government Ministers.”

This amendment would exempt fisheries in Scotland from market access principles.

Amendment 87, page 45, line 23, at end insert—

“11 The United Kingdom market access principles do not apply to (and sections 2(3) and 5(3) do not affect the operation of) any legislation so far as it relates to public procurement.”

This amendment would include specific reference to public procurement within those areas of regulation that are exempt from market access principles under Schedule 1.

Schedule 1 stand part.

Clauses 12 and 13 stand part.

Government amendments 93 to 95.

Amendment 40, in clause 14, page 9, line 26, at end insert—

“(8A) A reference in this Part to “regulations” must take into account the requirements of section (Maintenance of minimum standards).”

Government amendment 92.

Clause 14 stand part.

Government amendments 97 to 107.

Clause 15 stand part.

Government amendment 108.

[The First Deputy Chairman]

Clause 16 stand part.

Government amendments 112 and 111.

Schedule 2 stand part.

Clauses 17 to 20 stand part.

Government amendments 109 and 110.

Clause 21 stand part.

Amendment 81, in clause 22, page 13, line 33, after “23)” insert “or frontier worker”.

This amendment would accord to frontier workers the rights accorded to qualifying UK residents under this clause, to have experience or qualifications awarded in one part of the UK to be recognised in another part.

Amendment 82, page 13, line 34, after “resident” insert “or frontier worker”.

This amendment is linked to Amendment 81.

Amendment 83, page 13, line 39, at end insert—

“(3A) For the purposes of this Part, “Frontier worker” shall have the meaning given in Article 9(b) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.”

This amendment is linked to Amendment 81.

Clauses 22 and 23 stand part.

Amendment 84, in clause 24, page 15, line 2, after “resident” insert “or frontier worker”.

This amendment would accord the same rights to frontier workers as to qualifying UK residents under this clause.

Amendment 85, page 15, line 9, leave out “, the resident” and insert “or frontier worker, the resident or frontier worker”.

This amendment is linked to Amendment 84.

Clauses 24 to 26 stand part.

Government amendment 96.

Amendment 27, in clause 27, page 19, line 42, after “training” insert

“that has been agreed and approved by the devolved ministers”.

Clause 27 stand part.

Government new clause 12—*Guidance relating to Part 1.*

New clause 5—*Maintenance of minimum standards*—

“Regulations under this Part must not result in lower food or environmental standards applying in any part of the United Kingdom than apply in the European Union.”

New clause 10—*Environmental derogation for market access principles*—

“The United Kingdom market access principles do not apply to (and sections 2(3) and 5(3) do not affect the operation of) any legislation or other requirement so far as—

- (a) its purpose is to protect the environment, and
- (b) it is a proportionate means of achieving a legitimate aim.”

The purpose of this new clause is to provide for exceptions and derogations that allow all four UK nations to put in place proportionate measures to protect the environment and improve environmental standards.

Amendment 72, in clause 48, page 38, line 49, at end insert “or

- (b) has the effect of making Northern Ireland businesses less competitive in the Great Britain market.”

The intention of this amendment is to include within the definition of distortive or harmful subsidies a subsidy which has the effect of making NI businesses less competitive in the GB market.

Clause 48 stand part.

Amendment 88, in clause 49, page 39, line 2, leave out subsection (1).

This amendment would prevent the United Kingdom Internal Market Act 2020 from being inserted into Schedule 4 of the Scotland Act 1998, meaning that this Bill would not become a “protected enactment” under that legislation.

Clauses 49 and 51 to 53 stand part.

Amendment 4, in clause 54, page 41, line 24, at end insert—

“(2A) The relevant sections of this Act come into force in accordance only if—

- (a) a Minister of the Crown has moved a motion in the House of Commons specifying on which date a relevant section comes into force, and
- (b) that motion is approved by resolution of the House of Commons.

(2B) The relevant sections for the purposes of subsection (2A) are sections 42, 43 and 45.”

This amendment would prevent any of sections 42 (Power to disapply or modify export declarations and other exit procedures), 43 (Regulations about Article 10 of the Northern Ireland Protocol) and 45 (Further provision related to sections 42 and 43 etc) coming into force before the House of Commons had approved by resolution the date from which they would take effect.

Amendment 9, page 41, line 25, leave out subsections (3) and (4) and insert—

“(2A) The other provisions of this Act may not come into force (and in particular no additions may be made to Part 2 of Schedule 7A to the Government of Wales Act 2006 (specific reservations), Part 2 of Schedule 5 to the Scotland Act 1998 (specific reservations) or Schedule 2 to the Northern Ireland Act 1998 (excepted matters)) until the Prime Minister is satisfied that resolutions have been passed in Senedd Cymru, the Scottish Parliament and the Northern Ireland Assembly in favour of those provisions coming into force.”

This amendment would ensure that no additional powers are reserved to Westminster through this Bill unless the devolved legislatures of Wales, Scotland and Northern Ireland give their consent.

Government amendment 66.

Amendment 39, page 41, line 26, at end insert—

“(3A) Regulations under subsection (3) may not be made before a legislative consent motion relating to this Act has been approved by the each of the devolved legislatures in Scotland, Wales and Northern Ireland.”

This amendment would require the remainder of the Act to have gained consent of the devolved legislatures before coming into effect.

Clause 54 stand part.

New clause 9—*UK Council of Ministers*—

“(1) The Secretary of State must publish no later than three months from the date on which this Act is passed a framework for a UK Council of Ministers to be agreed by resolution of each House of Parliament.

(2) The responsibilities of the UK Council of Ministers must include—

- (a) considering the UK Government’s use of financial assistance for economic development in terms of section 46 of this Act;
- (b) considering the terms of any reports prepared by the Competition and Markets Authority in terms of section 29 of this Act;
- (c) considering the extent to which its members have acted in a manner consistent with the devolved settlement;

- (d) reviewing and considering the impact of any aspect of the internal market of the United Kingdom on any part of the United Kingdom;
- (e) requesting that the Secretary of State take specific necessary action to facilitate policy objectives in an area within the competence of the Secretary of State.

(3) The membership of the UK Council of Ministers must include representatives from all parts of the United Kingdom and its devolved administrations.”

This new clause establishes a UK Council of Ministers to ensure the effective functioning of the Internal Market and to examine spending under this Bill.

New clause 11—Review of the Act—

“(1) Within three months of the date on which this Act is passed, the Secretary of State must lay a report before each House of Parliament on the dates on which each section—

- (a) was commenced; or
- (b) is planned to be commenced.

(2) The Secretary of State must arrange for a review to be carried out within three months of the date on which this Act is passed, and thereafter at least once in each calendar year on the operation of this Act.

(3) The Secretary of State must invite the Scottish Government, the Welsh Government and the Northern Ireland Executive to contribute to the reviews in subsection (2).

(4) The reviews under subsection (2) must make an assessment of—

- (a) the functioning of the United Kingdom internal market;
- (b) the effectiveness of market access principles;
- (c) progress towards agreeing common frameworks with the devolved administrations;
- (d) progress towards drawing up a shared prosperity fund framework; and
- (e) progress in resolving issues through the Joint Committee machinery in the Withdrawal Agreement.

(5) The Prime Minister must arrange for a report of any review under this section to be laid before each House of Parliament as soon as practicable after its completion.”

The intention of this new clause is to provide Parliament with information on the working of this Act in the context of developing common frameworks.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): As ever, it is a pleasure to serve under your chairmanship, Dame Rosie. This Cummings-directed Tory UK Government are breaking international law, and they are breaking devolution. Behind the innocent-sounding mutual recognition mechanism, the Bill simply starts a race to the bottom on standards with the UK Government imposing it against our will in Scotland.

The Bill will see the Tories mount an assault on devolution with the biggest power grab since the Scottish Parliament was re-established. People in Scotland are seeing through the contempt that the Tory Government and Westminster have for their democratic choices. They are not daft. They know that this shabby, illegal, dogmatic Bill is not designed to fix anything, but it is designed to game the system for vested interests.

It is a fact that existing mechanisms and simple changes to Standing Orders could have worked with consensus instead, but this Government do not believe in consensus, just in getting their own narrow ideological way.

The UK Government’s approach—the diktat—is the opposite of the democratic European single market approach. The development of the EU single market has been based on the principles of equality, co-operation, co-decision, subsidiarity and, of course, consent. Crucially,

it sets a baseline of minimum agreed standards with which all member states’ own rules must be compatible. What a contrast with this hasty, badly written, contemptuous Bill. The Government are even having to amend their own Bill as they go along, so shabby is it. Government amendment 109 is necessary to remove clause 20—how slapdash is that?

On the mutual recognition mechanism, clauses 2 to 9 contain sweeping powers to compel Scotland to accept lower standards, set elsewhere in the UK, on animal welfare, food safety and environmental protections, among a host of other areas.

Carol Monaghan (Glasgow North West) (SNP): My hon. Friend is making a very important point. One issue raised by the General Teaching Council for Scotland is that teachers in Scotland must adhere to certain professional standards. That is not the case in England. If professional qualifications were accepted across the United Kingdom, Scotland would potentially have to accept teachers with lower professional standards. That is a real concern for the GTC in Scotland. Does he share that concern?

Drew Hendry: I do indeed. I thank my hon. Friend for her intervention. As I mentioned in my speech last week, the Bill affects every aspect of Scottish public life. These powers radically undermine the ability of the Scottish Parliament to serve the people who elected it.

The UK Government want to ditch high regulatory standards. They continually refuse to confirm whether the UK will keep pace with EU standards after 31 December. They will not even rule out chlorinated chicken being forced into our marketplaces. The question has to be asked: why keep that prospect on our tables? It is because they are betting all of our farms on a US trade deal. They have put everything on black, hoping for a Trump victory. The irony is that if it comes up red, with a Biden win, the Bill puts any trade deal in trouble, because the presidential candidate has said that he will not put up with anything that undermines the Northern Ireland-Ireland peace process.

Colum Eastwood (Foyle) (SDLP): The hon. Member is absolutely right that there will be no trade deal if any damage is done to the Good Friday agreement or the protocol. It is also the case that the Houses of Congress have to ratify any trade deal, so no matter who wins the White House, it is clear that Congress will not support a US-UK trade deal after any damage is done to the Good Friday agreement.

Drew Hendry: I completely agree with my hon. Friend. His point that the Good Friday agreement is being put in jeopardy is absolutely spot on. That is why the Government are betting on a Trump victory. President Trump has declared that when it comes to doing business with the UK, as far as he is concerned

“everything is on the table.”

The US Secretary of State, Mike Pompeo, has said of the trade talks:

“We need to make sure that we don’t use food safety as a ruse to try and protect a particular industry.”

The Government have even voted against their own Back Benchers’ amendments to protect high standards. They voted five times against amendments to the Agriculture Bill, and five times against food standards amendments to the Trade Bill.

[Drew Hendry]

The effect of clauses 2 to 9 would be to prevent the Scottish Parliament from requiring goods or services to meet the standards that it decides. The UK Government's White Paper outlined examples of this. Page 77 has a case study on deposit return schemes, page 78 has one on food labelling and pages 79 to 82 cover food manufacturing, including hygiene, recycling and animal welfare. On page 82, it specifically mentions minimum pricing as a regulatory restriction. Page 85 talks about building regulations and construction permits. As Professor Michael Dougan of Liverpool University observes, Scotland's minimum price controls could be

“characterised as a form of product requirement”,

making them

“fully subject to the principle of mutual recognition.”

This would mean that

“imported English alcohol would not have to comply with any new Scottish requirements. Once the mutual recognition obligation applies, there is virtually no scope for Scotland...to justify applying its new rules to English imports: mutual recognition can only be set aside on the basis of serious health threats arising from the internal movement of pests/diseases/unsafe foodstuffs.”

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I am sure that the hon. Gentleman shares my concern that Professor Dougan also draws attention to the fact that policies that already exist under the auspices of the Scottish Government and the Welsh Government, if they were to be adapted, might then fall within the scope of this Bill. These are popular policies that we have made to cut our own path in the past, and yet this now threatens their future.

Drew Hendry: Indeed—I agree. In fact, Professor Dougan has said:

“I do not share UKGov's apparent assumption that regulatory divergence is inherently problematic and must be strictly controlled, by imposing extensive limits (in effect) on the ability of devolved institutions to make different choices from Westminster”.

Jonathan Edwards (Carmarthen East and Dinefwr) (Ind): I congratulate the hon. Gentleman on his very carefully crafted amendment 89, which would mean a race to the top as opposed to the race to the bottom that he has alluded to.

Drew Hendry: I thank the hon. Gentleman for that. Of course, that is where we all should be aiming—a race to the top. That should be the principle that is being set by elected Members in the Parliaments that they are elected to represent, yet we find here a complete travesty of that.

Devolution has proved that the market can successfully operate across the UK with variations in standards. This Bill's proposals work against the interests of our high-quality producers and our consumers. As the National Farmers Union of Scotland explained in its submission to the UK Government's White Paper consultation, the proposals for the UK internal market, in the absence of effective common frameworks, could trigger a race to the bottom. In a Scottish context at the very least, they could force a choice between upholding high standards of production or maintaining the competitiveness of agricultural businesses.

The existing common frameworks were designed to manage cross-UK divergence where EU law and competences intersect. They do not need to be supplemented or undermined. Scottish Environment Link is clear that the UK Government's plans could

“force Scotland to follow the lowest common denominator, especially where countries negotiating bilateral trade deals with the UK demand lower standards seriously undermining efforts to combat climate change and biodiversity decline.”

Bim Afolami (Hitchin and Harpenden) (Con): I am interested in why the hon. Gentleman seems to assume that any standards legislated for in this Parliament would inherently always be lower, as he puts it. Why would that necessarily be the case?

Drew Hendry: Perhaps you should ask your hon. and right hon. Friends on your Back Benches who voted against your own Back Benchers' amendments to protect—

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): Order. The hon. Gentleman knows that he should not address another hon. Member directly. When he uses the word “you”, he is talking about me, and I am sure he would not want to do that.

Drew Hendry: You will notice, Dame Rosie, that it is a very uncommon mistake I have made, in that case. I take the scolding in good grace. Thank you, indeed.

Perhaps the hon. Gentleman would like to ask his colleagues why they voted five times on the Trade Bill and the Agriculture Bill against protecting these standards. We know—the Scottish public know—what this is all about. They are not daft; they see this. They see that this grubby attempt to make sure that we can get a deal—any deal as long as it is not with the EU—is the reason these things are being sacrificed.

This Tory UK Government do not care about the views of the experts that we have quoted here today or of the groups that are concerned about these issues. They do not want to hear those views. They simply want to oversee the biggest power grab in the history of devolution.

Clause 48 reserves state aid. We know that state aid provisions will mirror those of the World Trade Organisation, making an already diminished deal option with the EU even more difficult. Incidentally, Tory claims about the constraints imposed by EU state aid rules are inevitably always exaggerated. Automatic approvals applied to nearly 95% of state aid last year, and this year the EU acted swiftly to sign off on a raft of Government help to aid industry during the pandemic.

Sir William Cash (Stone) (Con): Is the hon. Gentleman aware of the manner in which authorisations are given? Stating that it has been approved is one thing, but the way in which it has been arrived at—behind closed doors and without anybody knowing how it has been done—is a really big problem.

Drew Hendry: It beggars belief that this kind of intervention attacking EU procedures is being made when the Bill will directly give powers not only to the UK Government to overrule devolution, but to the Secretary of State himself to overrule essentially anything that he wants to. I will return to that point in a moment.

The Bill directly undermines the Scottish Parliament's ability to protect Scottish farmers' livelihoods. Cheaper meat will drive out quality production. The ability to choose the highest standards in environmental protection and in building control and the ability to keep our NHS and water in public hands will all be affected. The UK Government want private companies to be given a guaranteed right to trade unhindered in Scotland. The UK Government claim that there are exclusions from the principles of non-discrimination, but that is absolutely blown out of the water by the fact that the Secretary of State will retain

"a power to alter these exclusions."

The hon. Member for Stone (Sir William Cash) wants a backdoor deal. Well, there is one for him; he can do it in the Cabinet Room.

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

Drew Hendry: No, I will make some progress on this.

That is regardless of the views of the people of Scotland, Wales and Northern Ireland. It does not matter what the devolved Assemblies or Parliaments are saying, that is the ability that the Secretary of State has.

The Law Society Of Scotland warns that clause 8(7) empowers the Secretary of State to amend by adding, varying or removing an aim in clause 8(6). This is a very wide power, and regulations are subject to the affirmative resolution procedure. Unlike other order-making powers earlier in the Bill, the Secretary of State is under no obligation to consult the devolved Administrations before making such regulations. The Government should explain why clause 8 adopts a different approach from the earlier clauses in this respect.

The real threat to trade comes not from what could have been agreed on common frameworks across the nations of the UK, but from this Tory Government's incompetent handling of the process to agree a deal with the EU. Their lofty ambitions are now, at best, low deal or no deal following their decision to remove Scotland against its wishes, and of course the rest of the UK, from the EU, a prosperous and highly integrated market no less, with an integrated trade and regulatory partnership of 450 million customers, along with the associated social vandalism that this has inflicted.

By the way, we hear that we should trust this Government. Just in case anybody is under the illusion that we can rely on the altruism of Westminster, they should listen to the words of Tory Luke Graham, who lost his seat in this place in December. Even he could see that it is foolish to do so. He said in this very Parliament:

"To reiterate my point and the frustration that I have felt since I have been in this place, sometimes...it appears that the Treasury is not so much a British Treasury but an English Treasury, which becomes incredibly frustrating for people trying to fight for projects in Scottish constituencies.—[*Official Report*, 15 January 2019; Vol. 652, c. 368WH.]

That was a Tory MP who was in this House until December last year.

The UK Government are breaking international law and devolution. The mutual recognition mechanism fires the starting gun on a race to the bottom on standards, with the UK Government imposing those standards on Scotland against our will. This Bill oversees the biggest power grab since the re-establishment of the Scottish Parliament. As I said earlier, the real threat to

trade is the looming no deal or low deal that the Government are railroading through with the EU. It is now clear for all in Scotland to see that the only way to represent the public needs and to protect our way of life and our hard-won Parliament is through becoming an independent nation, taking our own place as an equal partner within the European Union.

2.45 pm

Colum Eastwood: It is, of course, a pleasure to serve under your chairmanship, Dame Rosie. Did I get those words right? I think I did.

In my view, this Bill is unfixable. It is probably unamendable. It is an assault on international law and an assault on devolution, and I think it is the beginning of the biggest act of economic self-harm for many a year. Our proposed amendments address the fact that the Government have, once again, forgotten about—that is a generous way of putting it—frontier and cross-border workers in Ireland. That is why we have tabled amendments 81 to 85, in my name and that of my hon. Friend the Member for Belfast South (Claire Hanna).

Before I get on to those specific amendments, I want quickly to address the amendment in the name of the hon. Member for Bromley and Chislehurst (Sir Robert Neill). The amendment seeks to prevent from coming into effect, unless actively approved by the House of Commons, those parts of the Bill that give Ministers the powers to implement, against international law, parts of the Northern Ireland protocol. I fully believe that the hon. Gentleman is making a genuine attempt to inject some accountability into this process. However, let me tell hon. Members that people in Northern Ireland have been watching and they have absolutely no faith that this Government have one iota of interest in accountability, international law or the interests of people where I come from.

Sir William Cash: It seems to be generally understood that my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) will withdraw his amendment. I do not know whether that has been stated formally yet, but I wonder whether the hon. Gentleman could take into account the fact that that appears to be the case. I do not know whether Mr Speaker is aware of that. Sadly, my hon. Friend is not in his place at the moment, so it is rather difficult for us to be absolutely precise. I wonder whether I could have a ruling from the Chair on whether the amendment has been withdrawn.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): It is important to remember, as the hon. Gentleman has said, that Sir Robert Neill is not in his place at the moment. It is a question of the amendment having to be moved and withdrawn, neither of which has happened, so I think we need to wait until he is here. At the moment, we work on the assumption, obviously, that it is something that can be discussed.

Colum Eastwood: Thank you, Dame Rosie, and I thank the hon. Member for Stone (Sir William Cash) for his intervention. Regardless of whether the amendment is moved, the principle is utterly ridiculous, because only last week this House voted in full knowledge to allow this Government to break international law. It has voted down every single attempt to prevent this

[Colum Eastwood]

Government from breaking international law, so Opposition Members will be very cautious about waiting around for this Government to check back with this Parliament as to whether or not they are going to break international law.

Our amendments on frontier and cross-border workers are designed to address an anomaly that could have a serious impact on those living and working across our border region and beyond. Clause 22(2) seeks to ensure mutual recognition of professional qualifications within the UK internal market. However, that is limited to UK residents only. Constituencies such as mine are hubs of regional, cross-border economies, where frontier workers, according to the Government's own European Union (Withdrawal) Act 2018, are supposed to be respected and protected. They should not face any barriers to continued working, which they would not if they were residents of the United Kingdom. These clauses will mean that someone who works in, for example, Derry, but who lives in Donegal may be unable to work on projects that are UK-wide because their residency is in the Republic of Ireland. These measures would mean that their professional qualifications were not recognised in Scotland, Wales or England. UK residency is not a precondition for practising their profession habitually and properly in Northern Ireland, so why should it be a precondition for them being equally eligible to serve in other parts of the United Kingdom?

Frontier workers are specifically mentioned in articles 9 and 26 of the withdrawal agreement, and the Government tell us that this Bill is in keeping with some undertakings in that agreement, even though it breaches others wholesale, as we have heard over the last two weeks. I am being very generous here; I do not want to presume that the Government have deliberately set their face against frontier workers in these clauses. My hon. Friend the Member for Belfast South and I have tabled our amendments to prevent inadvertent discrimination. Those who might be adversely affected include people who, alongside their quality professional services, also contribute to the community and public life on many levels. Indeed, some have been upstanding public appointees, including through nomination by UK Ministers as well as devolved ones.

An estimated 30,000 people cross our border every day for work. I am not sure that it is quite understood in this Chamber just exactly what it means to live in a border community in Ireland. In Derry, where I come from, we are bordered on three sides by the Republic of Ireland—by Donegal. We socialise on both sides of the border. I get my diesel in Donegal. We have familial ties that stretch across the border. Whatever people's politics on the constitutional issue, we do not acknowledge the border in our day-to-day lives. That has been a terrific advance since the Good Friday agreement and the removal of the border installations. Although this Government seem determined to threaten to put some of those installations back up again, we are determined to continue to move on with our lives in a very normalised way. I sometimes wonder whether people who write these Bills actually have any understanding of life in a border area. I would prefer it if they came to our border areas, saw what it is like, and tried to understand what it is like for frontier workers and for the rest of us who work and live across that border every single day.

As I have said already, I do not believe that this Bill can be fixed, but there is one part of the Bill that the Government could easily fix if they determined to listen to our amendments and make the changes required. Many people will be left out if they do not do so.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): Order. It may be helpful for me to clarify a point for the hon. Member for Foyle (Colum Eastwood). Under the programme order that the House agreed on 14 September, today we are debating: part 1, "UK market access: goods", except clause 11, which was decided yesterday; part 2, "UK market access: services"; part 3, "Professional qualifications and regulation"; and part 7, "Final provisions", except clause 50, which was decided yesterday. We therefore need to focus on amendments and new clauses relating to those parts of the Bill. It is quite important that we do not re-run the debates that were held last week and yesterday, which were on: part 4, "Independent advice on and monitoring of UK internal market"; part 6, "Financial assistance powers"; and part 5 "Northern Ireland Protocol". Sir Bob Neill's amendment was, in fact, debated yesterday—for the clarification of the hon. Member for Foyle. I call Sir William Cash.

Sir William Cash: After that very helpful clarification, I have to say that the issues that I was going to raise would have been related to the questions raised by the hon. Member for Foyle (Colum Eastwood). There appears to be some misunderstanding. In these circumstances, I understand that today we will not, in fact, be discussing amendment 66 in the name of the Secretary of State for Business, Energy and Industrial Strategy, my right hon. Friend the Member for Reading West (Alok Sharma). May I have your ruling on that, Dame Rosie?

The First Deputy Chairman: The hon. Gentleman is quite correct in saying that.

Sir William Cash: I shall refer, then, to the more general questions about the state aids that I have just heard and that I mentioned in an intervention.

I wish to explain the rationale behind the remarks that I made on Second Reading, when I spoke for only four minutes, and the short speech that I made yesterday dealing exclusively with questions relating to international law and the breaking of it, as is alleged by some. I made my position entirely clear then and wrote a piece published on "ConservativeHome" that has been seen and commented on by many people—with some approval, I am glad to say—and in *The Daily Telegraph* online. That is now out there, on the record. However, the question of state aids to which I referred in those articles was not really examined in a way that I regard as satisfactory by the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry). I say that because he made a lot of points about the manner in which the results would take place, in his view, under the new Office for the Internal Market, the new internal market arrangements and in the context of devolution.

At an earlier stage, with respect to the issue of the economic prosperity of the United Kingdom as a whole, which obviously includes the important issue of devolution, including our wanting to be properly aware of the issues for Scotland, I mentioned Adam Smith as a good

example of a great Scot who really understood the nature of free trade. The problem is the EU itself. We must succeed in ensuring that the state aids policies of the EU no longer apply to the United Kingdom, including Scotland in this context. That is so important that, in the interests of the prosperity of Scotland, no attempt should be made such that Scotland could somehow find itself still following EU state aid rules. That is the burden of what I would like to address.

I have spent 35 years serving on the European Scrutiny Committee. I am Chairman of it now and have been for the past 10 years. I know a little bit about state aids and mentioned yesterday, in passing, my experiences, given the fact that I have been around for a certain amount of time, during the 1950s and '60s, when I was brought up in Sheffield and witnessed the manner in which the European Coal and Steel Community acted. Of that supranational body, even Sir Con O'Neill, who was the prime negotiator for the United Kingdom in taking us into the European Community, as it was at the time, said in a book that I read fairly recently that nobody in Government really appreciated just how important, significant and, I would say, dangerous it was for the whole concept of state aids and all the things that went with the supranational policies that were imposed as a result of our membership of the European Community and the European Coal and Steel Community, and the effect it would have on jobs and businesses in England, Scotland and Wales.

Of course, in those days devolution was not an issue, but the comparison certainly still applies. The jobs of many people in the coal mining and steel industries in Scotland were decimated, as they were in Sheffield. The greatest and most important part of the world steel industry was in Sheffield. As a result of matters into which I do not need to go in detail, the bottom line is that the grandchildren of the coal miners and steelworkers, whom I got to know extremely well—I think I mentioned in an earlier debate that I played cricket and rugger with them; I knew these people—remember all this.

If we put the red-wall seats on a transparent map and placed it over a map of England, in particular, and Scotland, we would find a direct correlation with the seats where people even would not vote for the UK Independence party but voted Conservative because they knew that leaving the European Community was something they wanted to do, because their grandparents had been decimated by how state aid worked. State aid is not just about subsidies; it is also about taxation, incentives, free ports, carbon emissions and the whole of our trading relationships internationally. It is the most important specific question, which is why I congratulate the Government on what they are seeking to do, although I may prefer it to be a little tighter, but let us leave that for the moment because we have a Report stage to come. I simply say that the people of Scotland know and understand the impact of the policies of state aids in shipbuilding, for example, on Harland and Wolff, in Northern Ireland. These people are all well aware of the almost irreparable damage done.

3 pm

Let us consider the ports regulation as an example of the kind of thing I am talking about. I do not know whether the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) is aware of what went on a couple of years ago in the European Scrutiny

Committee and during the European Standing Committee stage on the ports regulation. It is very relevant to this state aid clause. I believe that every port in Europe is publicly owned, whereas every port in the UK, including those in Scotland and Northern Ireland, is owned privately. [*Interruption.*] They are supported by state aid in the European Union, and the impact on the people I am discussing is so great that every trade union throughout the whole UK and every private employer was against this measure, as were the Government, but there was nothing we could do.

Jonathan Edwards *rose*—

Sir William Cash: Just a moment. This refers back to what I said earlier when the hon. Member for Inverness, Nairn, Badenoch and Strathspey wanted to intervene on me to suggest that somehow or other I was exaggerating the issue, as I am certainly not. The reality is that the EU takes all these decisions behind closed doors; nobody really knows how the authorisations are made; and—surprise, surprise—we could not stop any of those ports regulations, as indeed we could not stop any of the state aids authorisations. That is the essence of it, and he will not be able to explain to the people of Scotland why they will not benefit if the day comes when he gets his way, which I do not think he will, by our ending up removing the state aids from the EU. The people of Scotland would benefit so much by having a system in place that they can deal with on the Floor of the House.

The hon. Gentleman puts forward capable arguments. I notice how he weaves his way round these subjects. That is a compliment, in a way, but it does not alter the fact that the people in Scotland will suffer grievously if they continue to have EU regulatory arrangements inflicted on them. The Bill ensures that they will not. I dare say that the Minister is noting what I am saying—I hope that he is—because it is important to understand the damage that has been done.

Liz Saville Roberts: I have heard the hon. Gentleman's arguments before and I understand the point he is coming from, but does he appreciate that the Bill would reserve powers out of the Government of Wales Act 1998 that would otherwise see powers over state aid going to Wales? Does he not see the possibility that there could be another point of view?

Sir William Cash: I am always extremely aware of other points of view—I have been subjected to them for the past 35 years in this House, but so far they have not prevailed. I am clear in my mind about the benefits of the United Kingdom as a whole, on all these matters—there are so many aspects that we do not have time to go into today—but state aid is central to the whole question of maintaining our spirit of enterprise. It is central to the degree to which we can provide tax incentives to facilitate and encourage UK jobs for the whole UK, including Scotland. It is central to our ability to encourage competitiveness, based on our own laws, and level up throughout the entire country, including Scotland. This is fundamental stuff.

Drew Hendry: The hon. Gentleman discussed the situation in the 1950s and '60s, and I know that he likes to dwell on that era. I note that he conveniently airbrushed Margaret Thatcher out of the demise of the coal industry in Scotland. For his information, we have trust ports in

[Drew Hendry]

Scotland, too. Does he get the irony of arguing about another body's interference in an elected Parliament's ability to make decisions while he is making this argument? That is exactly what is happening to the Scottish Parliament through the Bill.

Sir William Cash: That is interesting, because the counterpoint to that—the hon. Gentleman would expect me to come back with this—is to ask why on earth the people of Scotland would want to subjugate themselves to the European Union system, which we are escaping from, when it has such deleterious and tragic consequences for so many people and jobs in Scotland, as well as in Wales and England. He argues that Scotland can do this better, but I tell him that the consequences of staying in the European Union would be extremely damaging.

We have made it clear that the laws would continue under the protocol, as we discussed yesterday. I know that from the advice and analysis that we are doing in the European Scrutiny Committee, and the Cabinet Office Minister is coming to see the Committee very soon to discuss all these questions. Given the manner in which the European Union functions—as I have said, behind closed doors and without even a transcript—and with the wholly unelected European Commission making the authorisations, the system is very bad news for Scotland. It will be no substitute for having these things handled in an objective and down-to-earth way by the Minister; I have no doubt that he will ensure that the people of Scotland are looked after properly.

This is a bread-and-butter issue for those who work in our economy. It is about putting food on the table, into the indefinite future, for all voters, whether they are Conservative, Labour, DUP, SNP or others. It is similarly important for those voters' representatives in this House. If Members vote against the Bill, they will have to explain to every one of their constituents, including those in Labour constituencies—I am not looking at anybody in particular or making a point about that, because we represent the whole country through different political parties—why our economy and voters' jobs and businesses have continued to be undermined by unfair and discriminatory EU state aid and other uncompetitive lawmaking.

The Bill will ensure, among other things, that the UK escapes unfair discrimination under the EU state aid regime, which I mentioned yesterday in relation to the steel industry. The voters in the red wall know this, as do their parents, including those in coalfield communities. I became vice-chair of the all-party parliamentary group on coalfield communities—this is going back five or 10 years—because I understood, as did many Labour Members from Mansfield and all over the country, how important those communities are. I even got up the other day and spoke in the House about pension arrangements for coalminers. We need to take account of the fact that the state aid rules cause total misery and tragedy, and ultimately the destruction of our coal and steel industries.

Jonathan Edwards: As someone who represents two coalmining valleys, I think the hon. Gentleman might be guilty of some historical revisionism. The French, the Germans and the Spanish also went through a similar transition in coalfield communities, but they did it over a number of decades. It was a decision of the

British Government to bring a guillotine over the coal industry and decimate it in one go, and that was a Conservative Government.

Sir William Cash: I voted against my own Government and nearly defeated them on the question of the closure of pits around Stoke-on-Trent. I actually challenged Arthur Scargill on a platform in Hanley and grabbed the microphone from him. It was recorded by BBC and apparently won an award. The issues to which the hon. Gentleman refers are very important, but I do not agree that this is revisionism at all. It is what happened and I objected to it.

Let us consider state aid. I will give the figures: Germany received as much as £4 billion a year in grants and subsidies, while our coal and coalfields in the United Kingdom were languishing. I know that coal is not popular now in quite the way it was, but none the less the principle is there: the state aid policy discriminated in favour of Germany and France. It is part of the deal: the European Coal and Steel Community, and supranationality—that is what it is all about. Our people in those communities were not compensated by grants and regional aid under various EU schemes and handouts, and they have never forgotten it.

Furthermore, the Court of Auditors reports that we debate in this House, although not on the Floor of the House, which we should, have genuinely never been signed off. Almost never has a Court of Auditors report ever been signed off. The money never got to those who really needed it. That was compounded by a wave of scandals—for example, over milk quotas, backhanders and fraud—all of which has been well documented over the years. The list is endless. In any case, our taxpayers—from the whole United Kingdom—paid for those inadequate grants through our own massive contributions to the EU of up to £18 billion a year and rising. If we do not fully disengage, this is what we—the people of Scotland, too—will be suffering from.

The Bill is therefore about the economic future of our future generations. It is about a new competition law administered on our own terms in our own country by our own courts. It will prevent our professional working voters from being trapped indefinitely in an EU economic satellite run by the unelected European Commission and Council of Ministers. We will have no veto. It will be imposed on us and it is an outrage that that should be the case. That is why the notwithstanding clauses, which I played some part in developing, are a matter of vital national interest and sovereignty. Otherwise, we will continue to be subjected to EU laws on terms and conditions imposed on us by them. The bottom line is that, for the vital national interest of this country, that situation cannot be allowed to continue.

I believe that my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) perhaps understands that a little better as we move forward. Yesterday, I got the impression that although he was very concerned about breaking international law, the reality is that there are circumstances—my exchanges with him yesterday are informative on this point—about which he is now very aware, as are other Members who signed that amendment, which as yet I do not think has been completely disposed of. This is about our sovereignty and our ability to maintain political and economic sovereignty and to save jobs, develop them and create enterprise.

This is not a small matter; this is monumental. It is all very well for the hon. Member for Inverness, Nairn, Badenoch and Strathspey to talk about this in terms of independence, but people will not thank him, and they will not thank the right hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) or anyone from any other part of the United Kingdom when the truth comes home to roost, which is that the EU will not allow us to compete favourably or at all. Its cardinal principle is to make sure that we cannot compete with it, and that is a reason in itself why we have to stand firm on the whole question of the notwithstanding clauses.

Liz Saville Roberts: Diolch yn fawr, Dame Rosie. It is an honour to follow the hon. Member for Stone (Sir William Cash). I rise to speak to amendment 9 to clause 54, which I tabled with my Plaid Cymru colleagues and the hon. Members for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry), for North Down (Stephen Farry), for Belfast South (Claire Hanna) and for Brighton, Pavilion (Caroline Lucas). This amendment seeks to rectify the anti-democratic nature of this shabby Bill by giving the devolved legislatures the opportunity to hold a vote on the Bill before its provisions become law. It would also ensure that no additional powers were reserved to Westminster through the Bill unless the devolved legislatures of Wales, Scotland and Northern Ireland gave their explicit consent.

3.15 pm

In its current form, the Bill prevents the devolved legislatures from legislating effectively by requiring regulatory standards in one part of the UK to be automatically accepted in others, even if those standards were to be lower. It also gives the Westminster Government spending powers in entirely devolved areas without so much as consulting the devolved Governments. The Bill also explicitly modifies the devolution settlement by reserving new powers over state aid to Westminster and by restricting the devolved Parliaments from amending the Act by either primary or secondary legislation.

Members across the Committee would concede that the Bill, whether they agree with it or not, does indeed make sweeping changes to the current devolution settlement, which has been endorsed by the people of Wales in two successive referenda. It does so without even giving the devolved Parliaments the right to voice their concerns—an egregious example of this Government's contempt for devolution and their desire to centralise. I would challenge those on the Government Benches on whether they have any basis upon which they can justify such a rolling back of our devolved powers, because so far, I have only heard bluster, spin and obfuscation—a wall of sound to conceal the reality of what is actually being conducted here.

If the Minister is to be believed, there is no threat to devolution contained in the Bill. Indeed, the only threat that the UK Government see is an abstract, hypothetical threat to free-flowing trade between the nations of the UK. Plaid Cymru's position has been clear from the outset. We make no apology for fighting for Wales to run her own affairs and set her own laws and regulations as an independent nation, but we also recognise that, for our economy to thrive, free-flowing trade must continue. That is why we have supported the principle of UK-wide frameworks, as long as those frameworks

are collectively agreed between the four Governments of the United Kingdom and fully respect the existing devolution settlements. That is what mutual respect looks like—not a power grab, but an agreement on principle among equals. This Bill goes precisely and directly against that principle by overriding common frameworks, allowing Westminster to change standards across the UK and allowing this Government to spend according to their own wishes in entirely devolved areas. How can we, 23 years since the people of Wales first voted for devolution, justify such a situation?

To close, I would like to quote the First Minister of Wales, who has said:

“This is an enormous power grab—undermining powers that have belonged to Wales, Scotland and Northern Ireland for over 20 years.”

He went on to say that the Welsh Government will “oppose it every step of the way.”

Additionally, the Counsel General for Wales today told my Plaid Cymru colleague Delyth Jewell that he would “welcome” cross-party co-operation in Parliament, as we saw between Labour, Plaid and other parties in the Senedd last week, to reject the principles of the Bill. I therefore trust that all Labour Members representing Welsh constituencies will support Plaid Cymru's amendments this evening. Anything less would be an abject abdication of their responsibility to their colleagues in government, let alone the people of Wales. Nobody would want to say that Labour was throwing Labour under a bus.

I propose to press my amendment when it is called, to give all the Parliaments of the UK a say on this disastrous Bill, and I trust that all Members representing Welsh constituencies will join Plaid Cymru by voting to defend Welsh powers for Wales—for the people they represent—in the Lobby this evening.

Derek Thomas (St Ives) (Con): I have listened to days of this debate and to many constituents, and while I started off feeling quite concerned and nervous, I am more certain today of the need for the Bill than I have been up until now. It would be foolhardy to make no provision if a free trade arrangement is not secured, and I want to speak to parts 1 and 2 of the Bill.

The UK internal market has functioned seamlessly for centuries, and it is the responsibility of all of us to work to ensure this remains the case. The Bill ensures that businesses can continue to trade across our country as they do now. We cannot accept new burdens and barriers in any part of the UK, and I was stunned to hear the SNP talking about the kind of restrictions they wanted to place on their own great nation by not allowing the UK to work for free trade.

I cannot stress enough how much the business community wants leadership, confidence and clarity regarding the environment it will be expected to operate in on 1 January, which is not that far away, so my plea to Government, and the plea from businesses in my constituency, is for them to step up the communications for the millions of businesses across the UK. Market access in goods and services is vital, and businesses deserve to know exactly how this is to be.

I am also reassured regarding the scope of the Bill; I do not share the concerns we have just heard about the power grab. It is clear to me that Brexit achieves the

[Derek Thomas]

very opposite: rather than Brussels dictating how state aid, for example, should be applied, it is for the UK Government and the devolved authorities to work together to work out how businesses can be supported to grow and flourish, and how communities can be supported to do so through good business. I look forward to the Government being able to identify which parts of the UK face inequalities and barriers to success, and to be free to apply support and intervention as part of their levelling up agenda, targeting taxpayers' money at improving life chances.

I am also reassured that if this Act is needed, and if a breach of international law is needed, Parliament will be required to trigger it. In most constituencies, international law was not a regular topic of conversation prior to the introduction of the internal market Bill. However, that is not the case in west Cornwall and Scilly; it crops up regularly across my patch, and has done for as long as I have been an MP, because it relates to fishing, which it is crucial that we ensure we get right as we go into next year. Breaching international law presents a trip hazard for UK fishing. There is one key element to reassuring our fishing fleets about UK fishing policy, and it played a part in the Brexit referendum result: international law gives the UK control of access to UK waters, and confidence in the rule of law allows us to look UK fishing in the eye.

Deidre Brock (Edinburgh North and Leith) (SNP): The hon. Gentleman makes a point about international law being talked about among his constituents, but can he assure me that the international law of UNCLOS—the United Nations convention on the law of the sea—will be adhered to, despite his Government's apparent intention to breach international law around this agreement?

Derek Thomas: What I am clear about, which is why I said at the beginning I was more nervous until we got to this part of the debate, is that there is very little risk that we will breach any international law or even that this Act will be needed. I am confident that we will continue to work for the free trade agreement, and I am confident we can avoid that, and, if and when it comes to it, I am confident that it will be Parliament that triggers these provisions or not.

Returning to our fishermen, they have followed our lead and they are confident that, as a country that abides by the rule of law, international law will be on their side, so we must press ahead, but with great caution; I agree with the comments made on that. People expect their MPs to work in their best interests and the UK interest first and foremost. In my view, the motivation of every colleague who votes in favour of the Bill is to do just that.

Sarah Olney (Richmond Park) (LD): It is a pleasure to serve under your chairmanship, Dame Rosie. I rise to speak on behalf of the Liberal Democrats on parts 1, 2 and 3 of the Bill.

In part 1, which deals with the principles of non-discrimination and mutual recognition of goods, the Secretary of State proposes to award himself the power to vary the statutory requirements included in the mutual recognition principle by statutory instrument. The Bill states that he has only to consult with the relevant

Ministers in Scotland, Wales and Northern Ireland, rather than to receive their consent. I put it to the Government that that undermines the ability of the devolved legislatures to set standards for the goods being sold to the citizens in their nations.

Jonathan Edwards: I am sorry for interrupting the hon. Lady so early in her speech, but she hits on a key point. There is a world of difference between consulting and consenting. Any respect agenda must be based on the latter as opposed to the former.

Sarah Olney: I entirely agree. I was going on to say that the Secretary of State also awards himself the power to vary the statutory requirements in the non-discrimination clause, such as on transportation and inspection of goods or regulation of the markets, in the same way. Is it not the case that, should the Secretary of State find that such requirements no longer suited the needs of English producers, he could change them, to the detriment of Scottish, Welsh or Northern Irish producers, without the express consent of their Governments?

Craig Williams (Montgomeryshire) (Con): I wonder whether the hon. Member might reflect on the fact that this is a UK Government—a Government for all four nations. As a Welsh Member, may I ask her also to reflect on how the Bill changes the relationship with the devolved Administrations from the way it operated with Brussels, where, of course, the DAs were consulted by the member state rather than consent being reached?

Sarah Olney: The hon. Member touches on quite an important point. I do not believe that it is in the scope of the Bill to address this, but of course we have devolved Assemblies for Scotland, Wales and Northern Ireland, yet no similar provision exists for just English matters. That presents a constitutional anomaly, which arises in situations such as this. That is why I made the point that where the interests of English producers are reflected, it is only by the Secretary of State, who should be acting for the whole of the UK. It is precisely that principle that the Bill seeks to undermine.

The plans for mutual recognition of qualifications are welcome, especially the exclusions for areas such as law and healthcare, where there is already a great deal of divergence across the four nations, but it is concerning that the exclusions do not extend to education. As was pointed out earlier, there is already substantial divergence, which could disadvantage our children and young people.

The overriding concern is that the Government in London could quietly amend these requirements and exclusions without the consent of the devolved Administrations, or even a further vote in Parliament, to accommodate new trade agreements with international partners. The Trade Bill also completed its passage through this place untroubled by any attempt to impose parliamentary scrutiny requirements on it. That leaves the Government free to negotiate any kind of trade agreement they choose with any international partner and accept whatever conditions that partner wants to impose—access to our markets, reduction of the standards we impose on goods sold in this country, reduced professional standards and oversight, or changes to any one of dozens of other conditions that we have actively chosen to impose for the health and welfare of our citizens.

Back in December, this Government won for themselves the right to implement Brexit in any way they chose. As a second choice to remaining in the European Union, I would have hoped for ambitious plans to manage a just transition away from carbon-emitting industries, with the creation of new green jobs and a highly skilled workforce. I would have hoped for a United Kingdom that looked to be a leader in promoting human rights, international development and the battle against climate change. Was it too much to hope that the promised sovereignty, which was so precious that everything had to be sacrificed to it, would be granted to Parliament to help steer the course of our independent future?

Instead of a Brexit that underpins our Union, supports our businesses and promotes the United Kingdom as a global leader, we have this sordid Bill. It promises a Brexit that diminishes and disempowers our nation and its constituent parts. It shames us on the world stage, presenting us as a country that, far from being a beacon of democracy and probity, hoards power in the hands of unelected advisers and breaks international law when it suits its purpose. It heightens division between our nations instead of binding us together in a unity of purpose that will strengthen us on the global stage.

It has been suggested that this is some clever negotiating tactic in the discussions with the EU on our future trading relationship.

If that is the case, the Government should stop playing games and apply themselves to providing for the very real challenges faced by business as we anticipate the end of the transition agreement at the end of December. What progress has been made in recruiting the additional 50,000 customs agents who will be needed to complete the estimated 220 million extra import and export declarations in 2021? What progress has been made towards negotiating a replacement for the Dublin agreement, which enables us to return migrants to the country where they first claimed asylum? What of provisions for data sharing between the EU and the UK, or the sharing of information between our security services? Our businesses are already operating at a time of heightened uncertainty—which increased as we learned today of new restrictions on activity—and they need urgent action to resolve these issues.

3.30 pm

This Government took on the responsibility of delivering Brexit, implementing the withdrawal agreement and getting a deal with the European Union that could enable us to enjoy frictionless borders. Britain is waiting. Britain expects the Government to deliver on their promise.

Mr Richard Holden (North West Durham) (Con): I would like to raise two main points on the clauses that are being discussed today. The first is around how the Bill protects our successful internal market through mutual recognition and non-discrimination. It is crucial to protect that internal market from a short-term race to the bottom and from measures being taken by devolved Administrations or even the UK Government to favour certain parts of the country over others. That is why it is so important that we maintain that internal market.

The second thing I want briefly to talk about is state aid. Without state aid powers coming back to the United Kingdom, as my hon. Friend the Member for Stone (Sir William Cash) said, we will not be able to deliver on the Government's manifesto commitments

on levelling up, which are crucial to areas such as mine. He mentioned extensively the coalfield communities and the former steelmaking communities—places that I represent in the now blue wall in the north-east—and it is crucial that we have state aid powers to enable us to deliver on those commitments.

Jonathan Edwards: I thank the hon. Gentleman for his comments on state aid, and I also thank the hon. Member for Stone (Sir William Cash)—I did not realise the Tory party was so in favour of state intervention. However, will the hon. Gentleman square this circle for me? The other big driving force of British Government policy at the moment is international trade deals, and the big ambition is the Trans-Pacific Partnership. That trade deal with the 11 countries in that part of the world has very strict conditions on state aid, so how does the hon. Gentleman square the circle with his argument this afternoon?

Mr Holden: The hon. Gentleman might not have recognised where the Conservative party has moved to, but I guarantee that a lot of voters across the country did recognise that, especially when they saw us standing up for them at the general election in the broader sense of wanting to bring powers back to the UK from the EU, which has been particularly restrictive. We are looking for international agreements, and there will be debates. For example, we have just seen what has happened with the Japan free trade deal. There are going to be measures around this, and negotiations are going to take place. It is particularly important that, as we look at these things, they are part of a broader picture. However, state aid will be important in helping to level up certain parts of the country. I am sure that debate will go on over the next few years, and it is one we will need to keep an eye on as we see these trade negotiations going through the House in future years.

Andrew Griffith (Arundel and South Downs) (Con): My hon. Friend is a doughty champion for trade and prosperity. Does he agree that, in these difficult times—not eased by today's announcement—what the businesses of Britain need most are confidence and certainty, and that one thing this House can do today by passing the Bill, with only 100 days to go before the new opportunities to trade prosperously with the wider world, is give businesses confidence and certainty about what our trading arrangements will look like, what our internal market will look like and what our legislative affairs will look like going forward?

Mr Holden: I could not agree more with my hon. Friend. We need only to look at the crucial trading relationship that my constituency and others in the north-east have with Scotland. On the Scottish side, the trade with the rest of the United Kingdom is many times the trading relationship with even the European Union, which as a whole bloc is obviously our largest international trading partner; it is many times that within the UK internal market. For most of the companies in the United Kingdom, it is these internal United Kingdom measures that are so crucial, and that is what the Bill really does deliver.

I would like to speak briefly about amendment 89. We have heard a lot over the last few months, particularly from SNP Members, about how they view a lot of what is happening at the moment as some form of Westminster

[Mr Holden]

power grab, but I could not disagree with them more. In fact, their amendment, if it were supported, would almost be a power giveaway. It would not only involve those big powers returning from the EU to Westminster and, in some cases, all the way down to the devolved Administrations; it would give other parts of the United Kingdom an ability to change standards. It would give powers away from the Scottish Parliament and away from the United Kingdom Parliament, in which Scotland is represented, to other devolved Administrations, who could then make up rules for other parts of the United Kingdom that could then be imposed on Scotland without any form of Scottish representation at all.

Carol Monaghan: The hon. Gentleman talks about standards, but he started his speech this afternoon by saying that this was not a race to the bottom. How does he respond to the concerns of the General Teaching Council for Scotland, a professional organisation underpinned by law, which is now looking at having to accept teachers from other parts of the UK who do not reach the professional standards required to teach in Scotland?

Mr Holden: The hon. Lady makes an interesting point, but she does not answer the point that I was making: the amendment that her party is supporting would mean that any part of the UK could impose new restrictions on Scotland or any other devolved Administration. The Northern Ireland Assembly or the Welsh Assembly could pass something and impose it on Scotland without the consent of the Scottish people. In trying to make what is probably a quirky political point with amendment 89, her party is not seeing the larger consequences that could flow from it. Opposition Members need to pay attention to this important point, because the amendment would give power away from the Scottish Parliament to the rest of the devolved Administrations. There is also the potential for more devolved powers, perhaps for the counties and regions of England, which could also be imposed on Scotland without the say of elected Scottish Members. We need to be very careful about this—

Carol Monaghan: Will the hon. Gentleman give way?

Mr Holden: No, I have already given way to the hon. Lady once on this point.

More broadly, it is crucial that as we leave the European Union we give as much confidence as possible to British business, especially at this time of covid-19. There is a lot of uncertainty at the moment in my constituency—and I am sure in the constituencies of other hon. Members—particularly relating to the covid pandemic, and anything we can do to provide assurance on our important ongoing internal market relationships will be crucial. That is why I shall be supporting the Government and opposing the amendments proposed by the Opposition.

Caroline Lucas (Brighton, Pavilion) (Green): It is a pleasure to serve under your chairship, Dame Rosie. I reiterate my support for amendment 9, which would very effectively put powers back where they belong with the devolved nations.

I turn to my new clause 10 on environmental standards, an issue that has been raised by several hon. Members on the Opposition Benches. I want to start by reminding

hon. Members of two Government commitments. The first was in the Business Secretary's foreword to the UK Internal Market Bill White Paper, which stated that its proposals would

“prevent any part of the UK from blocking products or services from another part while protecting devolved powers to innovate”.

The second was when the Bill was published and the Government website sought to assure us:

“The UK's existing high standards across areas including environmental standards, workers' rights, animal welfare and food standards will underpin the functioning of the Internal Market”.

I have tabled new clause 10 because the Bill does not give legislative effect to either of those commitments, and fails to create the proper framework and give the safeguards and assurances needed to ensure that all four nations of the UK will be able to legislate ambitiously, progressively and, indeed, effectively to protect the environment.

As it stands, the Bill allows market access principles to trump the environment, risking, as others have said, a race to the bottom and stagnant, if not actually diminishing, environmental standards. To date, the UK Government and the devolved Administrations have been aligned behind a common baseline of minimum EU standards, and that baseline has been kept high in part by the requirement for environmental measures to aim at a high level of protection. EU law has also provided—crucially, in certain circumstances—scope to go beyond the baseline to protect the environment and human health.

Regulatory divergence already exists in the UK, and there have been several examples from the devolved Administrations of innovative policies that deliver legitimate public policy objectives and, specifically, progressive environmental rules and regulations. I am thinking, for example, of the fact that Wales was the first country in the UK to introduce a charge on carrier bags. I have tabled this new clause because I believe the measures set out in the Bill could affect the ability of all Administrations within the UK to achieve their environmental ambitions and, indeed, to keep improving environmental standards. It could, in other words, lead to a race to the bottom in the absence of commonly agreed minimum standards.

Under the current Bill, while the devolved Administrations are not legally prohibited from introducing new requirements for goods and services, under the market access commitment, these new requirements will be disapplied for incoming goods if standards remain lower elsewhere. That risks rendering such measures ineffective in practice, creating a chilling impact on their creation in the first place. The mutual recognition principle means that the lowest standards legislated for by any of the UK Parliaments must automatically be adopted by all, and that will disincentivise individual Governments from improving existing standards and implementing new higher standards.

The Bill sets out no possibility of exception to mutual recognition requirements for environmental purposes. Mutual recognition can be denied only to prevent the spread of pests, disease and unsafe foodstuffs, and even then only under extremely strictly controlled conditions. The broad scope of the mutual recognition and non-discrimination duties and the lack of grounds to justify local requirements will stifle policy innovation in the devolved Administrations, as well as more routine improvements.

My new clause provides for a wider system of derogations, allowing an individual jurisdiction to refuse mutual recognition on the justification of legitimate public policy objectives and, specifically, on the grounds of measures to protect the environment. This is needed to begin more properly to address the need to improve environmental standards to deal with the climate crisis and nature's stark decline. It is also needed to support and respect the devolution settlements by ensuring that measures taken by the devolved Governments in areas within their competence will not be undermined by this Bill.

It might be helpful to give a few examples of the difference that this new clause makes. First, on the blight of single-use plastic items, the Welsh Government are proposing to introduce a ban on the sale of nine single-use plastic items, while the UK Government are proposing to ban only three. The mutual recognition principle would mean that the Welsh Government would not, in effect, be able properly to regulate the sale of the additional six products if they were manufactured elsewhere in the UK. Producers in England would be able to sell the six products in Wales, irrespective of the higher Welsh environmental standards. As the Welsh Government have stated, a ban that could apply only to Welsh-produced plastics would undermine the policy and render it ineffective.

Secondly, as this Bill stands, the rules governing packaging would also be classified as a product requirement, and would therefore be fully subject to the principle of mutual recognition. Therefore, imported goods would not have to comply with any new devolved requirements. As Professor Dougan from the University of Liverpool has said—others have already quoted him today—the basic effect of the UK internal market

“would be a powerful disincentive for Scotland to exercise a devolved competence to regulate packaging on environmental grounds, since any new rules would end up applying only to domestic goods, not English imports.”

Finally, a third example is a Department for Environment, Food and Rural Affairs initiative that, without new clause 10, could be negatively impacted by the provisions of this Bill. DEFRA has plans to phase out sales of house coal and wet wood in England. However, if this Bill comes into force before those bans, they will be less effective, since the sale of materials originating from other parts of the UK would not be banned. For example, pre-packaged domestic coal originating in Wales, Scotland or Northern Ireland could be sold in England because the ban will be disapplied in relation to its sale. There will be no possibility of an exception or defence of proportionality, because the Bill does not provide for one.

My new clause 10 would address the Bill's failure to include the exceptions and derogations vital to enabling all four UK nations to put in place sensible and proportionate measures to protect the environment. It deals with the practical consequences of mutual recognition by requiring suppliers to comply with devolved rules where they relate to the pursuit of environmental protection. The condition under paragraph (b)—that any regulation to which this amendment applies must be a proportionate means of achieving a legitimate aim—will help to ensure that derogation on the grounds of environmental protection cannot be exploited for other policy or market aims.

3.45 pm

I urge Ministers to accept that the provisions in new clause 10 are needed, because the measures set out in the Bill could otherwise affect the ability of all the

Administrations within the UK to achieve their environmental ambitions and to keep improving environmental standards. We hear so much from the Government about how much they care about these issues. Here is an opportunity for them to demonstrate that, by accepting the new clause.

Matt Western (Warwick and Leamington) (Lab): It is a pleasure to follow the hon. Member for Brighton, Pavilion (Caroline Lucas). As someone who opposed Brexit, I have bought into the fact we have left the EU. I accept exactly where we are. I guess that my frustration, like so many people around this place, is that we find ourselves at this crossroads, at this dangerous juncture, at such a late hour. I think all of us want a Brexit deal that protects our economy and protects jobs, regularises our standards and provides environmental protections, but foremost also secures our businesses, which are so dependent on relations with our nearest neighbours, within Europe.

I want to speak to new clause 11, but I will also address in passing amendment 86. We were told that we had an oven-ready deal. According to the Foreign Secretary, it was going to be a “cracking deal” for Northern Ireland. But of course, the Prime Minister was not talking turkey, certainly not in anticipation of Christmas, as we have just heard. This was a deal that the Prime Minister himself cooked up, yet now it is stated that this could break up our country—our Union. This is an historic admission of failure. New clause 11, put forward by my honourable colleagues, seeks to ensure that we get this Brexit deal done. It is a broad new clause that demands that the Government should review and report to Parliament on the workings of the Act, addressing the functioning of the UK internal market Act and the effectiveness of the market access principles that have been promised, as well as agreeing common frameworks with the devolved Administrations.

My concerns lie with the fact that the Bill, to my mind, frustrates a deal. The trade economists we on the International Trade Committee have heard from made it pretty clear that failure to get a deal will cause our manufacturing industry exports to fall by around 20%. For the automotive industry specifically, which I have a clear passion for, should we not have a deal by 31 December, we will, of course, fall to WTO rules, which will see 10% tariffs on all passenger cars, 22% tariffs on vans and trucks—another important part of our export mix—and 3.5% tariffs on components, which of course are intrinsic and critical to our manufacturing. The Government are talking about maybe getting, through our deal with Japan, a special arrangement that will enable any Japanese components that go into our products to actually count as being of UK origin. I would be amazed if the European Union would actually accept that.

Jaguar Land Rover has warned that it could be forced to close plants if the right Brexit deal is not agreed, jeopardising £80 billion of planned investment. Ford has said that no deal would be disastrous and would make it reconsider its investments in the UK. Nissan has said that its operations in Sunderland would struggle to survive the extra tariffs imposed by a no deal. Toyota has said it would be forced to halt car production in the UK, temporarily closing its plant in Derbyshire. BMW has said that it could shift production of the Mini from Cowley to the Netherlands if there is a no-deal Brexit. These are not idle threats; this is the reality faced by many multinational businesses.

[*Matt Western*]

I am afraid that the Prime Minister is prepared to play Russian roulette—hardly a surprise, given the nature of his sponsors—with our businesses, our jobs and our prosperity in this country. That has to be our concern. Although there might be talk about the possibility of a US trade deal, we have heard in recent days that the passing of this Bill would jeopardise any UK-US trade deal. It is very unlikely to pass through Congress, such is the strength and purpose of the Irish caucus in Washington.

Let me turn to international law and Britain's reputation. This is not simply about Brexit. Do we want to be a trustworthy nation—one that stands up for the rule of law? Does the Prime Minister really want to throw that all away by disregarding international treaties, in particular one that he personally negotiated and signed up to? That will undermine our standing in the world.

I am reminded of the incredibly powerful speech yesterday by the right hon. Member for Maidenhead (Mrs May), who said:

“whether a decision to break international law is taken by a Minister or by this Parliament; it is still a decision to break international law. This can only weaken the UK in the eyes of the world... It will lead to untold damage to the United Kingdom's reputation”.—[*Official Report*, 21 September 2020; Vol. 680, c. 667-668.]

We have heard it from Lord Howard, from Sir John Major, from David Cameron—from so many former Prime Ministers.

It is clear that our Prime Minister is being reckless. Can Members imagine what the co-founder of the modern Conservative party, Robert Peel, would be thinking now—a person who championed law and order? In our Prime Minister, we have a man who is legendary for wrecking restaurants in Oxford. Does he not see that by his behaviour and actions, he is damaging Britain's reputation—doing a modern-day Ratner? Members may recall Gerald Ratner, the entrepreneur who set up an incredible business empire and then destroyed his entire business with a few ill-chosen words. We risk not just tarnishing our reputation but seriously damaging it. We must be concerned about that.

Madam Deputy Speaker, I turn to new clause 11(4) and the need to preserve the Union. It is clear that while we are in danger of destabilising the Belfast/Good Friday agreement, we also risk undermining the devolution settlement. With the Bill, the Government are seeking to usurp the process of agreeing common frameworks on key devolved matters such as agriculture and food standards. The Welsh Government have made it clear that this is seen as a power grab, a centralisation of powers and an emasculation of the devolved Government. They have described it as

“an attack on democracy and an affront to the people of Wales”.

The voice of the Welsh Government is echoed by the Scottish Government in Holyrood, who say that it is “impossible to recommend” that the Scottish Parliament give its consent to the Bill. It has been condemned by the First Minister and Scottish Labour.

Finally, let me turn to the situation with state aid. For me, this is a red herring. I listened closely to the comments made by the hon. Member for Stone (Sir William Cash), who has served this House for many decades and championed the cause of leaving the European Union.

To my mind, however, what I have witnessed over decades is how intelligently other nations have used state aid to their benefit. They have long provided aid, support, guarantees—call it what you will, even state ownership. I do not believe that this has been to their disadvantage and I do not believe it would be to the disadvantage of Northern Ireland either—I think it would actually be to its great advantage. I heard the comments by the hon. Member for North West Durham (Mr Holden), but as I see it, both Germany and France have stronger steel industries, and they have made the system of state aid work for them. For all those reasons, Madam Deputy Speaker, I will be opposing the Bill.

Madam Deputy Speaker (Dame Rosie Winterton): Order. Just a gentle reminder that because we are in Committee, it is usually customary to call me “Chair” rather than “Deputy Speaker”. I know that it is difficult to follow, because we said this at the beginning and people are in and out of the Chamber, but that is just a reminder.

Dr James Davies (Vale of Clwyd) (Con): Thank you, Dame Rosie. It is my pleasure to follow the hon. Member for Warwick and Leamington (Matt Western).

I wish to briefly speak in support of the Bill, and in particular, on the significance of clause 54 and the importance of rejecting amendments that seek to limit the territorial extent of the Bill. Since the Acts of Union of 1706 and 1707, the UK internal market has been a source of unhindered and open trade across the United Kingdom. Beyond the end of the transition period on 1 January 2021, divergence on policy on goods and services in the four constituent parts of the UK raises the threat that this seamless trade would come to an end, increasing costs and burdens for businesses and posing a sad state of affairs for the Union. It is common sense that we need to avoid this scenario.

As chair of the all-party group on Mersey Dee North Wales, I know how important the UK internal market is to businesses throughout the region, where 12 million daily cross-border commutes take place annually. In fact, a 2018 Welsh Government policy briefing noted:

“In the case of the UK internal market the economy in Wales is deeply embedded within the wider UK economy.”

It went on to say:

“Close proximity means natural transport routes and lower transport costs, shared institutional and business contexts, and cultural and historical ties”.

Parts 1 to 3 of the Bill propose a commitment to market access. This will guarantee that UK companies can trade unhindered in every part of the United Kingdom, ensuring the continued prosperity and wellbeing of people across the land. Qioptiq, a manufacturer of optical instruments, which has a base in my constituency, says:

“With the current economic uncertainty driven by the global pandemic, it is important for industry to be able to continue with a consistent approach to trade across all of the UK. Legislative stability and consistency, without additional barriers, are keys to success.”

Wales sells three times more to the rest of the UK than it does to the whole of the rest of the world combined. UK supply chains are also highly integrated. Data shows that almost three times as many intermediate inputs used by businesses in Wales come from other parts of the UK as from every trade market combined,

and modelling shows that Wales would suffer a GDP loss five times higher than the UK as a whole from any reduction in internal trade due to unmitigated differences in regulation.

The clauses under consideration today are vital to provide certainty for businesses and ensure that we retain the status quo of no barriers to the movement of goods and services in all parts of the United Kingdom, so that companies can focus on their recovery and plan to invest and create jobs.

4 pm

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): It is a pleasure to serve under your chairship, Ms McDonagh. I rise to speak in support of amendment 88 and amendments 27, 34 to 36 and 39, which are in my name and those of my hon. Friends.

I make no apologies for seeking throughout our proceedings to defend devolution and the principle that power devolved is power retained. This Bill represents the most substantial transfer of power from Holyrood to Westminster since the reconvening of Scotland's Parliament in 1999, placing a straitjacket over Scotland's desires to uphold high environmental standards and high food standards, as well as to protect our economy from being sold out by the Tories in a race to the bottom.

The Bill as currently drafted means overriding the devolution settlement in key areas such as food standards, environmental protection and building control. As a member of the all-party parliamentary fire safety and rescue group, I am particularly concerned by the warnings of Peter Drummond from the Royal Incorporation of Architects in Scotland, who said earlier this week that Scotland's significantly higher building standards on cladding and fire prevention measures were threatened by the overarching desire of the Bill to achieve alignment on the basis of mutual recognition of standards.

Throughout this Bill, the principle of consent to legislate in areas normally devolved under the Sewel convention is notably absent. It is clear that throughout the passage of this Bill, the concerns of the devolved Governments, regardless of their political colours, have been totally ignored. Amendments 27, 34 to 36 and 39 should therefore present no problem for the UK Government if they want to continue to operate on the principle that they should seek a legislative consent motion for those aspects of the Bill that are devolved.

The power grab that the Bill creates on devolution will be cemented by virtue of the Bill's inclusion within schedule 4 to the Scotland Act 1998, which means in practice that the Scottish Parliament's ability to legislate in devolved areas will be constrained as a result of the passing of this Bill. Any legislation placed within that schedule to the 1998 Act is protected from modification by primary or secondary legislation, even if that legislation is within the Scottish Parliament's existing devolved responsibilities. It should be noted that the same provision was used during the passage of the European Union (Withdrawal) Act 2018 to place constraints on the Scottish Parliament's ability to directly legislate in devolved areas of retained EU law.

The UK Government's sudden interest in the use of schedule 4 to the 1998 Act in the past two years reveals their ultimate intention to use Brexit to re-reserve powers that are currently within devolved competence.

Their power surge is proving true to its word—the Bill is fundamentally damaging everything that it comes into contact with.

In the drafting of part 2 and clauses 48 and 49, the UK Government's inherent assumption is that any regulatory divergence would somehow undermine the functioning of cross-border trade and subsidies. There is no credible evidence to suggest that primary legislation is needed in those areas where there have historically been big differences between the legal framework and therefore the regulatory standards in Scotland and England.

Aileen McHarg, professor of public law and human rights at the University of Durham, hit the nail on the head when she highlighted:

“In all the fury re the UK Internal Market Bill's impact on the NI Protocol, let's not forget that it also radically recasts the devolution settlements in a way that will, to a much greater extent than EU law, restrict the devolveds' ability to effectively regulate their own territories”.

Amendment 88 would entirely remove the Bill's status as a protected enactment under the Scotland Act 1998 when it reaches the statute book. That is a necessary step to stop the Westminster power grab and move the Bill back towards an approach based on agreed common frameworks for trade within the UK that also respects devolution and the desire of devolved Administrations to legislate in accordance with the wishes of their respective electorates.

A quote that is most often attributed to Donald Dewar is that devolution is

“a process, not an event”.

Any hon. Member who wants that process to continue in Scotland's favour should oppose the sweeping and overreaching approach taken by this Bill, and that is what I intend to do today.

Bim Afolami: I rise in support of the Bill.

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully): Hear, hear.

Bim Afolami: I am glad that the Minister is in favour of the Bill as well; that is good news.

In the modern world, trade matters just as much as—if not more than—it ever has. There has been much talk about trade, not just over the days in which we have considered the Bill, but over the past couple of years. I do not want to put us through the last couple of years again, but we spend a lot of time talking about tariffs. Although tariffs are important, the biggest obstacles in modern trade are often non-tariff barriers such as professional standards, standards for goods or different standards relating to services. The whole Bill seeks to address these aspects of trade, particularly through these clauses.

We need to consider not just trade between the United Kingdom and other countries, but trade within the United Kingdom. We all have businesses in our constituencies that trade. I was talking to a business in my constituency this summer about the places with which it is trading. I said, “Are you trading with China or the United States?” and the people from this business said, “With Aberdeen.” It is easy to forget that we need to ensure that our internal market—some people may prefer the term “internal single market”—is as seamless and as free as possible, and that is what this Bill does.

[*Bim Afolami*]

The Bill also ensures the principle of non-discrimination within the United Kingdom internal market. It allows businesses to expand within the UK as well as trading abroad, and helps businesses to access procurement from across the United Kingdom. For example, the Scottish Government may procure goods from a Welsh company, or Hertfordshire County Council may have a procurement contract with a Northern Irish business. Our trade within the United Kingdom is of paramount importance, and this House should not forget how much trade happens within our nation.

It is important to address some of the criticism of the Bill. I have been listening to the debate over the last couple of weeks, and, frankly, I find it rather odd hearing SNP Members criticise the Bill on the basis that the Scottish Parliament, the Welsh Assembly or the Northern Irish Assembly would not be able to have their own say vis-à-vis certain standards. On some level, one could argue that that is an argument for independence. Obviously that is the SNP's stated position and they are entitled to have it, but contained in the same breath SNP Members are saying, "But we want the European Union to impose common standards." We are talking about a European Union that, even under the most generous terms of electoral governance it may devise, would give the Scottish people, the Welsh people or the Northern Irish people—

Claire Hanna (Belfast South) (SDLP): Will the hon. Member give way?

Bim Afolami: In a second. I would like to make a bit of progress.

The European Union would not give its voters a direct say in the making of such common standards as Members would have in this House. Yet SNP Members would prefer the European Union, which has more than 450 million people in 27 member states, to impose common standards, rather than the United Kingdom Parliament, where SNP Members quite rightly speak for their constituents in this House. I find that a bizarre position.

I do not believe the hon. Member for Glasgow North West (Carol Monaghan) is in her place, but earlier she became very exercised—she mentioned it several times—about the idea, the horror, of English teachers being able to teach in Scottish schools. This is not a place to talk about the SNP's record on education, but it is odd if we cannot have an amity between the four nations and would regard an English teacher as somehow not qualified to teach in Scotland. Do we not want fully qualified English teachers to be able to go to a Scottish school and to say that they want to teach in Scotland? The Bill allows the sort of non-discrimination that that would outlaw.

Deidre Brock: The hon. Gentleman is mischaracterising the attempts by my hon. Friend the Member for Glasgow North West (Carol Monaghan) to point out that qualification standards in Scotland are higher than those required in English schools. I can tell him right now that free schools, which are so popular with his Government, are allowed to employ teachers without qualified-teacher status. That is not the case in Scotland. What is his answer to that?

Bim Afolami: I was afraid that the hon. Lady would not understand my point fully. Let me make it for her again: the idea that standards for teachers in Scotland are somehow higher than those in England is not correct. The fact is that across all our nations there are certain small differences in the professional qualifications of different people in different professions. This argument—almost—that we are having illustrates the fundamental point, which is that we should have a principle of non-discrimination for goods, services, teachers and all professions across this United Kingdom.

I am having some fun, so let me take on another point in respect of amendment 89. My hon. Friend the Member for North West Durham (Mr Holden) made this point very well, and I am sad that he is not in his place because I do like to praise him—he is a very intelligent, smart fellow. The amendment would in effect allow a devolved Assembly or Government from one part of the United Kingdom to impose regulations on the people of Scotland. If I was a member of the SNP and believed that the people of Scotland's interests were paramount, I would think that quite odd. Again, it illustrates the illogicality of the SNP position.

Fundamentally, SNP Members care about one thing: they do not care about free trade across the United Kingdom or prosperity for businesses; they just care about breaking up the United Kingdom. The reason why the Scottish nationalists dislike this Bill so much—I have been wondering what is driving their animus toward the Bill—is that they know it can help to bind the United Kingdom together. That is why they hate it, that is why I support it and that is why the Minister and the Government are putting it forward.

Alexander Stafford (Rother Valley) (Con): Does my hon. Friend agree that if SNP Members actually wanted to break up the Union and the Bill was as terrible as they claim, they would vote with us to put through such a terrible Bill? The fact that they oppose the Bill shows that it is a good Bill that will bind us together, showing once again the illogicality of their arguments.

Bim Afolami: As always, I agree with my hon. Friend.

The Bill has been put forward and we are in the position we are in. The Prime Minister made his statement earlier today and will make a statement to the country this evening. We are in the midst of a global pandemic, and we all know that.

We also know that the economic consequences of that pandemic are only starting to show. We must do everything we can, regardless of party politics, regardless of where we sit on various issues on the constitution or anything else, to help jobs. It is about jobs, jobs, jobs—people's livelihoods. This Bill can underpin and help strengthen that aim.

Sixty per cent of Scottish exports—I am sure I will be corrected if I am wrong—go to the rest of the United Kingdom, and yet the SNP says that it wants more, not fewer, barriers to that trade. The biggest long-term challenge of this Parliament, after the terrible health consequences of the pandemic, is, I believe, the economic damage that ensues. The Bill helps not just the United Kingdom come together, but any United Kingdom Government support businesses, jobs, people and communities across these nations—that is something to be commended, strengthened, and supported—alongside

increasing by more than 100 the powers going to devolved Assemblies and Governments. I believe that that will strengthen the Union, strengthen our internal single market, and strengthen the economy of this country.

4.15 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate; I have spoken in a number of debates during the passage of this internal market Bill. For me and my colleagues, the Bill is about the United Kingdom of Great Britain and Northern Ireland together and we wish, through our contributions, to try to explain where we stand on these issues. We do not want to ruffle feathers in a way that annoys people.

The briefing for this debate outlines the aim of the Bill, which is well worth repeating for those who perhaps do not understand the point that we are trying to make. There are those who are fixated on what could be said about us. Well, I am fixated, and my party is fixated, on this definition. The briefing says:

“The Bill sets out two principles that will govern access to the UK market for goods and services. The principles aim to allow people and businesses to trade across the UK without having to face different barriers in its different nations.”

We are convinced that the people of Northern Ireland should have the right to the same opportunities as those in England, Scotland and Wales. The briefing says:

“The first principle means that if a good or service can be legally sold in one part of the UK (as it meets the relevant regulations) then it can be sold in any part of the UK.”

That is exactly what we think and this is the principle of mutual recognition. The briefing goes on to say:

“The second principle prevents parts of the UK treating goods coming in from other parts of the UK less favourably than local goods. This is the principle of non-discrimination.”

We have recorded our amendments, but we will not be pressing them today. They are on the amendment paper, so if Members get a chance, they can take a look at them and get a fair idea of where we stand on this matter.

I know that I must sound like a stuck record, but the fact is that, for the sake of my constituents, for the sake of my local businesses and for the sake of my local industries, I have to say again that the principle of non-discrimination must apply to Northern Ireland as an intricate part of the United Kingdom of Great Britain and Northern Ireland. That is what this Bill seeks to do. That is why the DUP has tabled various amendments, which we will not be pressing today. They set out the statement of our position and it is important that we have that recorded in this debate. We seek to underline the fact that we are, and must remain, on an equal footing with every other nation—Scotland, Wales and all of England—and must remain on an equal footing across this wonderful Union that we all take so much for granted.

Mr Gregory Campbell (East Londonderry) (DUP): On the point that my hon. Friend is making about unfettered access across all four nations of the UK, that is a fundamental prerequisite that we need to see in this Bill, however it is amended. Hopefully that is an objective that everybody in the Committee should be committed to.

Jim Shannon: I thank my hon. Friend. That is exactly what I am saying and exactly the point that we are trying to put forward today. It is about east-west trade

and west-east trade. It is about how this affects our agrifood sectors. It is about how our businesses can continue to operate and not be restrained in any way.

The hon. Member for St Ives (Derek Thomas) referred to the fishing sector, which is very important for me in my constituency. At one time, Portavogie had 120 boats in its harbour, but owing to EU regulations and all the bureaucracy that came in, that number is now down to approximately 60. We hope that through this our fishing sector can grow, and we are quite convinced that that will happen.

Our amendment, which is not for debate today, reflects the point that my hon. Friend the Member for East Londonderry (Mr Campbell) made. It states:

“In making these regulations, the Secretary of State must have special regard to the need to maintain the integral place of Northern Ireland in the United Kingdom internal market.”

It also requires that we must

“have regard to safeguarding unfettered access of NI businesses to the UK Internal Market.”

That is the very point that he refers to and that our Party has consistently uttered in this Chamber—that we want to have the same rights as everyone else.

I have yet to hear a single convincing argument that tells me that Northern Ireland does not deserve the same recognition. I think we all know that, and hopefully it will be delivered whenever this Bill is finally concluded. I have yet to see one single statement that points me to the holy grail of the Belfast agreement that is being waved about as a reason we cannot have our place in the United Kingdom. There is no clause in the Belfast agreement that precludes us from maintaining our place in the UK outside of Europe. We believe that our position on this Bill today will be one that all of us, on all sides of political opinion, can support.

Again, we hark back to the legal opinion. It is important in this debate to have a legal opinion that is balanced. Martin Howe QC has unequivocally stated that

“there are good arguments that the government’s clauses will not breach international law. First, there is a general principle of international law that treaty powers should be exercised in good faith, and an EU blockage of reasonable ‘goods at risk’”

between GB and Northern Ireland

“could be classed as a bad faith exercise of treaty powers...Secondly...the alteration of the constitutional status of NI (which across the board tariffs on GB to NI exports would entail) would breach the core principle of the Good Friday Agreement...International law does not justify a later treaty to which these community representatives are not parties being used to over-ride the rights they enjoy under the earlier treaty”.

That legal opinion is very pertinent to this debate and to the importance of where we stand. It also states that “section 38 of the Withdrawal Agreement Act preserves Parliamentary sovereignty and makes it quite clear that Parliament has the right to pass the clauses which the government is proposing and thereby override these errant clauses in the Protocol.”

That is why I can support the Government in what they put forward and reject the Opposition arguments, while ever understanding that people have differences of opinion. We can agree to differ on these things while feeling very strongly on the stance that we have. That highlights the importance of this debate in terms of the legal and moral necessity of our opinion as stated in our amendments, which we are not pressing.

For me, this is all about free trade. It is all about having the same opportunity. It is about businesses in Strangford and across the whole of Northern Ireland

[*Jim Shannon*]

being able to trade east-west and west-east. It is about my fishermen being able to land their fish in Portavogie harbour and not be subject to a tariff that would make it nonsensical to do so. It is about my fishing sector growing. It is about my agrifood sector, which employs some 2,500 people, growing. I believe that that could happen through this Bill.

Craig Williams: On day four in Committee, it is tempting to regurgitate all the points that have been made previously, but I can assure Members that I will resist that. It is a pleasure to follow the hon. Member for Strangford (*Jim Shannon*); I agree with much of what he said about our precious Union. It was also a pleasure to hear from my near neighbour, my hon. Friend the Member for Vale of Clwyd (*Dr Davies*), and my hon. Friend the Member for Hitchin and Harpenden (*Bim Afolami*) about the non-tariff barriers. Those two key points—non-tariff barriers to trade and market access for our Union—are why I was so exercised that I put myself forward to speak in this debate.

I want to briefly talk about market access. We have heard some Members getting exercised about the creation of this market access framework, but much of what is in the Bill replicates the EU market as it was. Much of the political debate around the Bill thus far has been a regurgitation of the former Brexit argument—it is just the same old politics in a different guise.

A third of my constituents in Montgomeryshire travel across the English-Welsh border every day, whether that is for education, jobs, skills or goods. It is entirely porous. It is essential for my constituency—I task the entire Welsh nation with this—that we get market access right, with no distortions and no non-tariff barriers internally or externally, for the rest of the world. It is critical that this is done at a UK level.

I want to touch on amendment 9 and the perceived attack on devolution. This is one of the single biggest transfers of powers to the Senedd, the Welsh Parliament—70 powers. I will happily take an intervention from anyone who can name a single power that the Welsh Parliament will not be able to exercise because of this Bill. Indeed, the Counsel General of the Welsh Government went as far as to say that

“this doesn’t specifically prevent the Senedd from exercising its powers”.

All the noises to date in this Chamber and in the press are a lot of politics.

Deidre Brock *rose*—

Craig Williams: I have been waiting for an intervention—I give way.

Deidre Brock: Of course, it is not a single power. The effect would be felt across many of the devolved powers. If the hon. Gentleman would care to have a look at page 12 of the explanatory notes, he will see that it is explained quite clearly in the paragraph entitled “Constitutional embedding and devolved competence”:

“the Bill’s provisions create a new limit on the effect of legislation made in exercise of devolved legislative or executive competence.”

Craig Williams: No more than the market access operated under the EU market. The devil is always in the detail, and the hon. Lady can name no specific

power—these are just broad political statements again and again. My constituents expect better. This Bill is essential for jobs, jobs, jobs. That, more than ever, is what my constituents expect me to support.

Deidre Brock: Does the hon. Gentleman accept that there already exist wide regulatory differences between the four nations of the UK? When I sat on the Committees considering both iterations of the Agriculture Bill, we heard from the National Farmers Unions, and they always wanted any changes to regulations or to approaches in the different nations to be agreed, not imposed, as is happening with this Bill.

Craig Williams: My constituency has a huge concentration of high mountain and hilltop sheep farming. This Bill affects none of that. It changes no specific powers. The point that the hon. Lady just made means absolutely nothing in detail—nothing to jobs in my constituency, nothing to the constitutional changes and nothing to the devolved Administrations. All this does is continue what we had under the European Union.

Claire Hanna *rose*—

Craig Williams: I will give way once more, and then I promise to be brief.

Claire Hanna: We come at this a different way. Can the hon. Gentleman name a single power that will not potentially be affected? Can he name a single devolved power that is ring-fenced? On Wednesday evening I asked Ministers for assurances on a range of different potential interventions, but I did not receive any, so I will ask again. Can the hon. Gentleman name a single power that this Bill would not allow the Government to scoop in from the opposite direction?

4.30 pm

Craig Williams: That is a wonderful intervention. Such is the power of the hon. Lady’s argument that she asks me to help her name a power in reverse. I have asked Opposition Members to name one specific power, but it has not been forthcoming. This is a complete politicisation of what is an essential Bill.

In conclusion—I am conscious of my promise to keep my contribution short—the Bill clearly does not affect the powers of the DAs. It clearly reinforces the importance of the market to the United Kingdom and to my Welsh constituency, and it clearly will protect the jobs that I have been sent here to protect. I commend the Bill and thank the Minister for promoting it.

Anne McLaughlin (*Glasgow North East*) (*SNP*): I will address you in the Chair, Ms McDonagh, as is customary, but I hope through you to get a message to the people of Scotland, because it is our duty to warn those who are not yet aware of it that this Government down here in London are planning to take powers away from the Scottish Government, the Scottish Parliament and, ultimately, the people of Scotland.

They say that they have no such plans. Nobody in my party believes that, but let us say that they are correct. I am going to give a couple of examples of what we are so alarmed about, and I would be very happy for any Government Member to stand up when I have done so and tell me that I am wrong and have misunderstood.

But they should be warned: if they plan to do that, they had better be able to point to the actual legislation that guarantees that our fears are unfounded. If no Government Member can do that, the people of Scotland will know. Whether this Government like it or not, an independence referendum is on its way to Scotland, and our people are watching very closely.

Let me start with the first example. We in Scotland, as Members will have heard many times today, are very proud of our minimum price controls on alcohol. It is a policy that I, as a former Member of the Scottish Parliament, and others fought tooth and nail to introduce many years ago, though unsuccessfully at the time. In fact, I remember making my speech in the Scottish Parliament, holding aloft a 2-litre bottle of what was at the time a very cheap top-strength cider, to illustrate a point. As an aside, my hon. Friend the Member for Glasgow South (Stewart Malcolm McDonald) was my researcher at the time, and his job was to buy it and empty it down the sink so that I did not take alcohol into the Chamber.

We are very proud of minimum pricing, because in two short years we have already seen a decrease in harmful drinking in Scotland. But what if we had not passed that legislation already, and what if the democratically elected Scottish Parliament wanted to do so next year, after this Bill has been enacted? It would not matter how many bottles of cheap liquor we held up. It would not matter how many stories we shared of the untold damage done to individuals and their families because of the easy and cheap access to very high-strength alcohol. It would not matter if every single Member of the Scottish Parliament—Scotland's democratically elected Parliament—voted yes to minimum pricing next year. With this Bill, the UK Government could drive a bulldozer through it and there would be nothing we could do while we remained a part of this Union.

As we heard earlier, Professor Michael Dougan of Liverpool University has identified that Scotland's minimum price controls could be characterised as a form of product requirement. That would mean that the principle of mutual recognition in this Bill would apply, and once that obligation applies there is virtually no scope for Scotland to justify applying new rules to imports from England.

Members might ask, "Why does that matter now? Scotland did pass minimum pricing. This legislation applies to new rules, and minimum pricing is not new." But it does matter, because what happens when we in Scotland come to review minimum pricing? And what if, in that review, the democratically elected Scottish Parliament were to vote for tighter legislation? What if it were to step it up because it works? None of the new rules would apply to alcohol imported from elsewhere in the UK, so cheap high-strength alcohol from England, Wales and Northern Ireland could flood the market in Scotland and a bulldozer would again be driven through all of our good work.

Alexander Stafford: I am listening very carefully to the language the hon. Lady is using. There are lots of coulds and woulds, but no actual evidence. It is always "could" and supposition. Is she admitting that the Scottish Government do not have the power or the willpower? Concrete facts would be great.

Anne McLaughlin: The hon. Gentleman is in effect saying that we have to just trust that the UK Government will not do that. I will tell him what I do trust: EU laws. In this scenario, if we were still subject to EU laws the principle of proportionality would apply and that would protect those public health decisions.

Deidre Brock: Further to that point, does my hon. Friend not find it extraordinary that, if the Government are so carefully minded to protect the different regulations of the nations of the UK, there is no mechanism in the Bill for negotiating or agreeing minimum standards?

Anne McLaughlin: I do indeed find that extraordinary, but perhaps they will have a change of heart if what the hon. Member for Rother Valley (Alexander Stafford) says—that the "could" and "should" and "would" is not going to happen—is correct. But we know that is not going to happen.

Craig Williams: Will the hon. Lady give way?

Anne McLaughlin: No, I need to get on.

The Government say that the Bill creates an internal market based on the principles of the EU single market, but there is a considerable gap between the principles enshrined in EU law and those proposed in the Bill, as I have just demonstrated. Perhaps the Government think it is in Scotland's best interest for them to take away those controls, because they know best. I, personally, do not expect to be able to change that centuries-old colonial attitude, but it might be worth remembering that there are policies started in Scotland that have subsequently been adopted by the rest of the UK.

Craig Williams *rose*—

Anne McLaughlin: I will let the hon. Gentleman intervene in a minute.

Banning smoking in public places is one such policy and plastic bag charges is another. Perhaps sometimes Scotland does know best and perhaps at other times other countries know best. This proposed legislation, however, only recognises one legislature that apparently knows, and that is the UK Government.

Craig Williams *rose*—

Anne McLaughlin: The hon. Gentleman does not have to keep doing that. I said I will let him in, so I will let him in.

Craig Williams: I thank the hon. Lady. May I just touch on alcohol pricing? Of course, that would not change much. At the moment, if alcohol is dispatched from England, Wales or Northern Ireland, minimum pricing does not apply in Scotland, so what would the Bill actually change on alcohol pricing? It does not apply at the moment if dispatched from other parts of the UK to Scotland.

Anne McLaughlin: I think what the hon. Gentleman is doing is making an argument for independence. If he is saying that the only way we can control this is by Scotland becoming independent, well I will be looking forward to that in the not-too-distant future.

[Anne McLaughlin]

I want to come on to my second scenario, which is procurement. There are many differences between procurement rules in the UK and in Scotland. I will give the House some examples. Scotland excludes companies that have breached blacklisting regulations. That is a good thing, but the UK does not agree. In Scotland, public bodies are forbidden from awarding contracts solely on the basis of cost alone; not so in the rest of the UK. Scottish rules put an explicit requirement on public bodies to include conditions of contract which ensure the contractor complies with environmental, social and employment law in the performance of that contract—also a good thing, but also something where UK rules do not apply. Yet we could be compelled to ditch our rules in favour of the weaker procurement system.

Is there anything in the Bill to prevent this scenario? A company with a dodgy track record on blacklisting eyes up a juicy contract from a public body in Scotland. Could the Bill enable the dodgy company to argue that Scotland's different rules be considered disruptive, and, in arguing thus, it becomes eligible to apply for the contract? There is nothing to stop that happening. Yet again, the UK Government are asking us to permit them to bulldoze their way through carefully crafted responsible legislation. And yes, I am aware of the exclusions, but I am also aware of the powers of the Secretary of State for Business, Energy and Industrial Strategy to alter those exclusions. And yes, I also know that this relates to goods rather than services, but after this week, when the UK Government said they would break international law, we cannot take a single assurance of theirs seriously. Still they cannot point to the legislation that guarantees that what I just described could not possibly happen.

In fact, clauses 3, 7, 6, 5 and 10 give considerable latitude to the Secretary of State to amend the scope of the mutual recognition and non-discrimination principles, by using affirmative resolution procedure. This is a sweeping power that gives very limited room for parliamentary scrutiny. The clause pays lip service to consulting with the devolved Administrations, but contains little detail on what happens if they do not consent. The dictionary definition of the word consultation is

“the process of discussing something with someone in order to get their advice or opinion about it”.

What is the point if that opinion is simply disregarded? The Government always deny that that would be the case. They say, “That will never happen. You're making it up,” but I am afraid it happens all the time.

My very good, honest and honourable friend Michael Russell MSP, who is the Scottish Government's Cabinet Secretary, talks of the disrespect and even hostility coming from the current UK Government towards the devolved nations, and we hear it all the time. He says that there is “no trust” between the UK and Scottish Governments. That is a ridiculous state of affairs. The UK Government can hardly claim that they are behaving respectfully when there are no safeguarding provisions in this Bill to respect the consent of the devolved Administrations by protecting the Sewel convention.

In the general election campaign, the Prime Minister drove a bulldozer with “Get Brexit done” emblazoned on it through a polystyrene wall. Now he and his colleagues are doing the same thing to the devolution

settlement. We know exactly what the Prime Minister meant when he talked about taking back control. He meant that the UK Government should take back control of Scotland.

You know how sometimes a song will keep popping into your head, Ms McDonagh? Whenever I hear this Government talk about Scotland these days, the old Who song “Won't Get Fooled Again” pops up, and there is nothing I can do to get rid of it. I will not subject you to my singing, but I will share some of the lyrics:

“I'll tip my hat to the new constitution

Take a bow for the new revolution”—

I will miss out the bit about picking up my guitar—

“Then I'll get on my knees and pray

We don't get fooled again”.

“Lead, don't leave”, we were told in 2014. I do not blame those who trusted the UK Government, but they will not be fooled again.

I want to respond to the hon. Member for Hitchin and Harpenden (Bim Afolami), although he has gone now. To win the next independence referendum, one side has to convince the people in Scotland who embraced devolution but voted no last time. Either the Unionists convince them to vote no again, or we convince them to vote yes. If the UK Government keep on with this level of respect, keep driving that bulldozer through everything we in Scotland hold dear and pass this legislation, they will be doing our jobs for us. Perhaps in time, when I look back from our newly independent country where people and the environment come before profit, my anger will, ironically, turn to gratitude.

Claire Hanna: I rise to support amendments 81 to 85, which are in my name. I will also pick up on a couple of the points raised by the hon. Member for Hitchin and Harpenden (Bim Afolami), who performed some logical somersaults in becoming the defender of free trade. I have to remind Members that it is this Government's decisions that are erecting barriers, because we were already part of the largest, most stable and most successful free trading body in the world. I suppose we are the ones who are attempting to deal with the complications of those barriers.

I am not sure if it was just rhetoric, or if the hon. Gentleman genuinely does not understand why the regulations that we all shared while we were in the EU are not perceived to be such an imposition. That is the case precisely because they have raised standards in things such as environmental protection, food standards, the safety of products and toys, and workers' rights. We see them as a guarantor, an enforcer and a raiser of standards. Unfortunately, we see the Government as no such thing, and in the first year of their term they have resisted and rejected numerous attempts to put into legislation protections for food and environmental standards. This Bill makes absolutely no mention, let alone guarantee, of consultation.

I do not like to keep refighting the last war, but the fact is that when the UK was in the EU, 95% of the regulations that the Government want to change—were never know which ones they want to change—were agreed by consensus. The UK had to oppose only 2% of them. Such consensus-based decision making is not currently enjoyed in the United Kingdom.

Our amendments 81 to 85, which are in my name and that of my hon. Friend the Member for Foyle (Colum Eastwood), are designed to address a specific issue about frontier workers, and I will take a wee minute to explain what that is. The border on the island of Ireland is soft and invisible, as Members know, and it runs for hundreds of kilometres. It goes through villages and townlands, and even through homes, churches and farms, so a lot of people live a very cross-border existence. Over the last few years we have tried to soften out some of the bumps that will come up, and that is what we are trying to do with this Bill. One of them is about frontier workers. Between 23,000 and 30,000 people routinely cross the border for their job; I am talking not about people going for social reasons or going up and down, but people whose daily commute crosses the border. That is very common, and until now people have not had to think about decisions in their personal or working life that might involve crossing a continental barrier, but now they do, and we are trying to address this.

4.45 pm

Some 19% of frontier workers work in health and social care, which is already an area that suffers from some recruitment issues. Borders hospitals that serve border communities, such as Altnagelvin, the South West Acute Hospital and Daisy Hill, are increasingly doing cross-border services and would be affected, and while the withdrawal agreement protects the rights of workers already in cross-border employment, it does not safeguard the rights of people who will take up an employment after the transition period ends.

EU directive 2005/36/EC currently allows for Irish and UK professional qualifications to be mutually recognised. Both jurisdictions have confirmed that even in the event of no deal they would recognise those existing qualifications, which is very welcome, but in the event of a no deal, qualifications would have to be processed as a third country, and we are told that this would add substantial delays. I am sure Members are aware of people coming from other countries and facing challenges in translating their professional qualifications even in the current situation, but obviously that is more acute in border areas. Some 9% of doctors in Northern Ireland are trained in another EU country, usually the Republic of Ireland but some others as well, and that proportion is consistent across other disciplines. If that level of movement between the services continues, this will be a fairly substantial problem and could add to existing recruitment problems. We would prefer an arrangement that covers everybody within the common travel area. I am aware that those negotiations are very complicated with a number of fences to jump, but we are trying to deal with this very specific problem.

I am also very pleased to have added our support to a number of other amendments, including amendment 9, from our friends in Plaid Cymru, about further attempts to protect the principle and practice of devolution. The song that was in my head and the heads of the hon. Members for Glasgow North East (Anne McLaughlin) and for Strangford (Jim Shannon) was Simon and Garfunkel's "If I Could", which one of us started singing during the last part of the discussion, and the lyrics just popped into my head:

"I'd rather be a hammer than a nail".

I think that probably applies to those on Government Benches.

We are also very pleased to support Labour amendment 87 on public procurement, which could have positive effects in the area of social causes, and we greatly support new clauses 5 and 10 on the maintenance of food and environmental standards, which I spoke about at the start and which other Members have laid out very well. They would ensure that regulations reflect our moral duties to the planet, with sustainable farming, and compatible with our obligations to the climate, but also protect food standards for consumers. Crucially, in Northern Ireland, which trades very much on its reputation as a high-quality producer of agricultural products, we would be able to continue to protect that standard and would not have to drop our standards and therefore be uncompetitive on price and unable to trade into our existing markets.

Alexander Stafford: We are talking about songs today, and I appreciate the hon. Member for Glasgow North East (Anne McLaughlin) quoting The Who; lest we forget, the famous Roger Daltrey is an ardent Brexiter and has made it perfectly clear that he supports Brexit, so I will take his words any day.

I welcome the opportunity to speak again on the Bill in Committee—I also spoke last week and on Second Reading—because it is of fundamental importance to us as a country. It is not a political Bill; it is not about being for or against independence or for or against taking powers. It is a Bill about jobs and economic prosperity and ensuring that when we leave the EU fully at the end of this year we can trade as one big bloc. I believe that is why the SNP is against the Bill: because it is a good Bill that binds the country together. There may be some tweaking around the edges, but, fundamentally, this Bill will increase prosperity in the UK, and I think it will convince more people in Scotland that the Union is a good thing and is here to stay.

Moving on, however, this Bill will ensure that businesses can continue to trade across our country, as they do now, avoiding new burdens and barriers. The amendments that SNP Members and others are putting forward will increase those barriers and burdens on business. If there is anything we have learned from this crisis, it is that we need to support business. The only way we can pay for the great schemes the Government have introduced—the furlough scheme, the bounce back loans—is by having businesses thriving.

We want businesses to thrive and this Bill allows businesses to thrive, but I fear the SNP amendments would not. They would put up a barrier between England and Wales and Northern Ireland and Scotland, and that would be detrimental for the people of Scotland as well. I think those amendments are very crass, dare I say it, because they will actually increase hardship for the people of Scotland. We want to make things easier for their everyday lives, not harder for political gain.

We have talked about powers being given, and this Bill clearly guarantees more powers for the devolved bodies, with powers increasing in at least 70 policy areas. This is a good Bill. If people believe in subsidiarity and in devolution, this Bill is good because it gives more powers to the people. It is taking them off the European Union, yes, but giving them back to the devolved nations, and that is a good thing.

[*Alexander Stafford*]

Furthermore, Scotland, Wales and Northern Ireland disproportionately benefit from market access, with the Department for Business, Energy and Industrial Strategy risk assessment calculating that internal barriers to trade would impact on Scotland and Wales four or five times worse than on the rest of the UK.

Amendments 34 and 35, from the nationalists, seek to tie the hands of the UK Government. We have seen time and again in this House that SNP Members want to tie our hands and not allow free trade to flow and free conversations between our nations, which is worrying. The nationalists want to amend the provisions of the Bill so that the Government must gain the agreement of the aforementioned Administrations, in an attempt to paint Westminster as overruling the will of the Scottish, Welsh and Northern Irish people. These amendments are actually trying to paint us as the baddies that we are not. We are one family—Scottish, Welsh, Northern Irish, English. We are the same people, and we are cut from the same cloth.

Deidre Brock: Will the hon. Gentleman give way?

Alexander Stafford: Of course, on family—I will always give way to a member of my family.

Deidre Brock: The hon. Gentleman is talking a lot about this family of nations and how we are all going to come to some sort of agreement, but can he answer the question about there being no internal mechanism within the Bill whereby minimum requirements or an agreed harmonisation of standards could take place?

Alexander Stafford: I think we discussed this last Tuesday in relation to the Competition and Markets Authority and markets, which are how we come together, but I want to touch on the point about that minimum of low standards. Why do we have to legislate for everything? Why do we have to legislate for every could, should and would? SNP Members keep trying to portray the worst-case examples, saying, “Oh, you know, the asteroid might hit us. Why does this Bill not talk about the asteroid and how we could deal with it?” We cannot think about all these could and should; we have to deal with what is in front of us. We have to work together, and this Bill allows us to work together to overcome any issues, and to come together.

Deidre Brock: Will the hon. Gentleman accept that this is based on bitter experience of this place? I would point him to our experience of the Scotland Act 2016. Over 100 amendments and new clauses to that Bill were tabled, and not a single one of them was accepted. Where was Scotland’s voice then?

Alexander Stafford: Once again, this comes back to the difference between our parties. I believe in one country—one United Kingdom. The SNP and the Scotland did have a say. The people of Scotland had a say when they elected the Government in 2019. They have their voice in this Parliament: under the Acts of Union, they have this voice and they can talk contribute through this voice. To balkanise our country into these small states is just wrong.

Jonathan Gullis (Stoke-on-Trent North) (Con): I banged my head on the desk when I was upstairs watching this on television. The separatists on the opposite side of the House seem to forget and never talk about the fact that we have a £1.5 billion city and region growth deal, on which the Scottish Government and the United Kingdom Government came together and worked together to bring prosperity to the people of Scotland. Why do they not celebrate success like that, rather than talking about breaking up the United Kingdom?

Alexander Stafford: I could not agree more, but let us be honest, SNP Members do not want to talk about success; they want to talk about breaking up the country, and about how bad it is, because they are unashamedly nationalist. That is their prerogative—they have been elected on a nationalistic ticket—and they will do anything to push this false narrative, but my hon. Friend is completely correct about the benefits. However, I do want to make some progress now.

Turning to amendments 38 and 88, it is critical that the UK Government insert the Bill as a protected enactment in respect of the devolution Acts. The Bill applies to the whole of the UK. If devolved legislatures were able to amend it, it would rupture the internal market and cause chaos for businesses and consumers. Again, I emphasise that this Bill is about businesses and consumers. We want to give them stability after we leave the European Union; we want to ensure that businesses flourish, not to try to break things up and create uncertainty for business. That is incredibly important.

Labour’s amendment 86 looks to undermine the very purpose of the Bill by expanding the definition of a “legitimate aim” to permit discrimination against incoming goods from one part of the UK to another on grounds of environmental, social and labour standards. I am sure that Members on both sides of the House agree that our country is a world leader in those areas already, and nothing will alter that fact. Accordingly, it is important that we permit internal discrimination against goods only on the most restricted and limited basis, such as to prevent threats to life. Expanding the list of legitimate aims threatens to frustrate the purpose of the Bill—the market—and to go on to fragment and balkanise our internal market. We must keep our single market as one. Therefore, I cannot see why any Member would support Labour amendment 86.

The SNP and the Alliance party have collaborated to produce new clause 5, which seeks to ensure that regulations under part 1 do not result in lower food or environmental standards applying in any part of the UK than those that already apply in the EU. It is abundantly clear that those parties have not accepted the vote of the British people in 2016, our subsequent withdrawal from the EU this past January, and now our exit from the transition period at the end of the year.

Anne McLaughlin: Is the hon. Gentleman aware that Scotland did not vote to leave the EU? Scotland voted to remain in the EU, and we voted quite decisively. He seems not to be able to acknowledge that.

Alexander Stafford: I hate to rehash the arguments, but the United Kingdom did vote to leave the European Union. I am sure that Mrs Miggins at 34 Acacia Avenue in my constituency did not vote to leave the European

Union either, but we are still part of the same family and we are leaving. We cannot balkanise our country. We cannot split up this family. That is the fundamental difference between Government Members and Opposition Members. We see this as a family—a family of nations; a family of people that we love. We want to keep us together, and we will not parcel off our great country. I will not be ashamed of promoting what this country voted for.

I turn to Government new clause 12, which enables the Secretary of State to issue guidance relating to part 1 of the Bill explaining how the UK internal market principles operate, in order to support traders, regulatory authorities and the public. That guidance will help us all to understand and benefit from the Bill, which will increase the internal market. Again, I emphasise that this Bill is about the market, not politics. It is not an independence Bill or a Brexit Bill; it is a business Bill—a Bill to get businesses going and to recover our economy.

The House must pass this Bill, which protects our domestic markets, rejects separatism and division, eliminates chaos and confusion, ensures transparency and impartiality, and strengthens our world-beating standards. I believe that in doing that, the Bill, with the Government amendments, will create a better business environment for all.

Sir Robert Neill (Bromley and Chislehurst) (Con): I hope that my hon. Friends will forgive me if I do not go down exactly the same route as some of the conversations we have had recently. I had a good deal to say yesterday on the previous part of the Bill, and I will not repeat that, because I see my good friend the Minister in his place, no doubt ready to ensure that amendment 66 is moved at the end of the day. He knows—as do you, Ms McDonagh—that since that is the case, my amendment 4 will not need to be moved. Having made sure that he will remember to move amendment 66, I can now move on to the stand part debate.

I am a little prejudiced here; a name like Robert James MacGillivray Neill is probably indicative that my heritage comes from various parts of the United Kingdom, and I am very proud of my Scots background. I might add that the weekend after the European Union referendum, in which everybody knows I campaigned vigorously to remain in the EU, I happened to come across my call certificate to the Irish Bar via King's Inns in Dublin. Who knows, it might come in handy one day, but it reminded me that there are huge and deep-rooted linkages between the countries of the United Kingdom. We can talk about what are the right governance arrangements between them, but there are personal interdependencies and economic interdependencies that benefit us all. I hope that later this evening we are going to be able to deal with a number of those concerns. No doubt there is more to discuss, but, having banked that progress, I want to say that the rest of the Bill is desirable.

That is why the thrust of the Bill is desirable and, as I said yesterday, I have no trouble supporting it all, apart from my concerns about part 5.

5 pm

An obvious example of the interdependencies and the synergies is in my constituency, in London, where about 35% or 36% of the working population are in financial and professional services. As it is commuter

land, they work in large measure for the City of London, which is Europe's and indeed the world's pre-eminent financial centre, but there is an impact on other important financial centres. For example, there is a natural link and synergy between the expertise and pre-eminence of the financial services in the City of London and the very highly established, very well regarded financial services sector in Edinburgh, in Scotland; it also has a very good reputation. Making sure that they remain part of a single and connected market is to both sides' benefit, so making sure we do not have needless obstacles in those regards is obviously desirable.

The point about professional qualifications was well made by the hon. Member for Belfast South (Claire Hanna), and it is why I was struck that my membership of the Irish Bar might be of use, because, ironically, the legal profession has always had a carve-out from those regulations. It is a recognition going back to the Act of Union that we were not seeking to impose absolutely uniformity. To respect and protect the separate legal systems in Scotland and now, separately, in Northern Ireland, legal professional regulation is different and is carved out. As an English barrister, I do not have the right automatically to practise in the courts of Scotland. If I had, I would perhaps be trying to see whether I could measure up the Lord Advocate's office. I do not have that right, but the irony is that as a member of the Irish Bar, an EU member state Bar, I would have that right. That is perfectly reasonable and I do not have any problem with it; we know it is necessary because the legal system's distinctiveness is part of the national character of each of the parts of the UK. However, the free flow of goods, workers and services is in everybody's interest.

Anne McLaughlin *rose*—

Sir Robert Neill: I am sure the hon. Lady would be disappointed if she did not get every speaker to give way to her at some point, so I will add myself to her set.

Anne McLaughlin: If the hon. Gentleman is perfectly happy for our separate legal systems to mean that someone has to be qualified in the given jurisdiction, is he not uncomfortable with the idea that teachers who learn to teach, or who do not get a teaching qualification, in one country can move to another country and teach there? If he is perfectly happy with that, may I talk about—and will he go to the Home Secretary on this—all the teachers I know who have come to this country from other countries across the world, are not allowed to transfer their qualifications and are therefore not allowed to work? If he is happy to provide support on that, I will perhaps think about what he has to say.

Sir Robert Neill: The first point is that there have to be professional qualifications in order to recognise the people qualified. The Bill does not seem to cause any difficulty about that. I was also making the point that the carve-out on legal qualifications accepts that there are legitimate areas of difference, but there are many other areas where it is entirely legitimate for us to try to work together as a single UK market. I would have therefore thought that the Bill was balanced and proportionate in that regard. I cited services and the importance of the financial services sector, both north and south of the border, as a key example of that. I hope that after the transition period we will also continue our good links with the financial services sector in Dublin,

[Sir Robert Neill]

where a number of English legal and professional firms have bases because of those links. The Bill is not malign in any of those regards.

Although the Bill does not and need not cover this, I hope as we go forward that we will see what can be done to help other parts of the broader British family that would desire access to our new internal market—for example, the Crown dependencies, the Channel Islands and the Isle of Man. Many of their financial sectors—their trust arrangements and their banking fund arrangements—are importantly and closely linked to the City of London and the UK. The Justice Committee has oversight of the Ministry of Justice’s work on the relationships with the Crown dependencies, and I think there is a great desire to see how we can strengthen the access between them and the UK. The aspiration for the Crown dependencies to have free and unfettered access to the UK market is something we should look to explore with them on a reciprocal basis.

That particularly and specifically applies to our British territory of Gibraltar—as you know, Ms McDonagh, I have the honour to be the chair of the all-party parliamentary group on Gibraltar. It is a well expressed intention of the Gibraltar Government, supported by all parties in Gibraltar’s Parliament, to have access to, in effect, a free trade area with the United Kingdom. I hope the Minister will take that back to his colleagues in the Government, because it ought to be a no-brainer as we go forward. It causes the United Kingdom no difficulty, and it would be of considerable reassurance to the people of Gibraltar, who despite having voted overwhelmingly to remain in the European Union, none the less trumped even that and asserted their membership of the British family and the desire to remain with the United Kingdom and not to be coerced, sometimes, by their neighbours. Supporting them by making sure they have full access to the internal market ought to be a high priority, both practically and morally, for the United Kingdom Government.

Finally, there is one area that we can perhaps simplify. I am not generally in favour of simplifying or lowering food standards, and I am certainly not in favour of lowering environmental or food standards as we leave the EU or in any future free trade deal, but there is one area, ironically, where leaving the EU may give us something we can turn to our advantage, and that relates to public procurement and, in particular, local authority procurement.

As a number of hon. Members know, I served in local government for many years before I came into this House, and I was local government Minister for the first half of the coalition. One of the genuine complaints I had from councils of all political complexions was about the complexity of going through the OJEU—*Official Journal of the European Union*—process, where contracts over a fairly basic level had to be advertised through a pretty bureaucratic process. That had the no doubt laudable objective of ensuring that firms across the single market could access those contracts, although, in practice, doing a contract in Bromley, Merton or wherever was not likely to be attractive to a small-sized firm of builders in Poland or the Czech Republic.

David Simmonds (Ruislip, Northwood and Pinner) (Con) *rose*—

Sir Robert Neill: I will certainly give way to my hon. Friend, who knows a great deal about this.

David Simmonds: Does my hon. Friend note, as I do, that the OJEU process in the United Kingdom resulted in less than 1% of procurement exercises yielding a bid from outside the United Kingdom?

Sir Robert Neill: My hon. Friend, whose experience in local government is huge and much more recent than mine, is absolutely right. That is the irony—what was a theoretical process none the less caused considerable delay and cost for local authorities seeking to carry out a range of capital works. I hope the Government will say, “Let’s seize the advantage and simplify the public procurement process.”

For a raft of reasons that have been well rehearsed and that I need not repeat, local authorities are hard pressed for cash, and we could certainly make their lives easier by enabling them to save money in the way they do their procurement. We can make it easier for them to adopt a policy of sourcing contractors locally, as they already try to do, so that they can be drivers of support for businesses in their area, without needing to parcel up contracts artificially, as was historically the case to avoid the need to go through the OJEU process. That is one area where I hope the Minister, whose own experience in local government is considerable, will talk urgently and swiftly to his colleagues in the Ministry of Housing, Communities and Local Government so that we can sit down with the local government sector and get rapid reform of local government procurement rules.

So without more ado, I commend the Bill, now that the little obstacle that might potentially have been in its way has, I hope, been resolved. We can now get on with the serious business of making the best of what is, to be frank, a bad job. This is not where I wanted to be, but it is in the interests of the country that we have a proper working set of rules to enhance the internal market in the United Kingdom.

Apsana Begum (Poplar and Limehouse) (Lab): I rise to speak in favour of the amendments tabled by the Labour Front-Bench team, and to put on the record my opposition to the Bill which, as has been pointed out by many, risks undermining devolution by driving a wedge between our Government and the devolved Administrations and infringing on the devolution settlement. The Trades Union Congress is particularly concerned that, unless specifically exempted, restrictions may be placed on the ability of devolved authorities to adopt new or revised regulations to support progressive public policy objectives, which may have a direct or indirect discriminatory impact.

Fundamentally, this legislation shamefully undermines the basis of the Good Friday agreement, a solemnly agreed international treaty that laid the basis for peace in Ireland. Ministers should not need reminding that the withdrawal agreement is part of a binding international treaty, and that breaching a treaty breaches international law. However, we should not be surprised, because the Conservative party has repeatedly shown contempt for international law and collaboration. There are now real problems with Britain’s approach to international law, particularly with regard to the protection of human rights in the UK.

In many areas, particularly in the spheres of immigration control, national security, counter-terrorism, freedom of association and speech and the treatment of persons with disabilities and other vulnerable groups, UK law has frequently been the subject of criticism from experts such as the United Nations Human Rights Committee and the Council of Europe. Recently, we also learned that the UK is to resume arms sales to Saudi Arabia, despite concerns that they could be used against civilians in Yemen, in complete violation of international humanitarian law. Today, the Government are increasing the healthcare charge for migrants, widely thought to impinge on fundamental human rights. It is therefore clear from the Bill and many contributions from Government Members that there is little or no respect for democracy, devolution or international diplomacy on the Government Benches.

My contribution is brief, but I conclude by saying that, while some of the Government's amendments aim to correct the Government's approach, they do little fundamentally to resolve the vast array of problems with the Bill as a whole.

Lee Rowley (North East Derbyshire) (Con): I am grateful for the opportunity to contribute to the debate. I will focus my remarks—like many, including the hon. Member for Poplar and Limehouse (Apsana Begum), whom it is a pleasure to follow—on the key clauses and amendments, most of which stem, so far as I can see, which is why I support them, from the absolute need to retain the economic integrity of the United Kingdom, both for the future and temporarily, in the face of a regrettably provocative and unreasonable stance from the European Union.

I have listened to many powerful speeches, today and on previous days, from all parts of the Chamber and from all vantage points, on the Bill itself and the amendments to it. It will not be a surprise that I do not share the views of Scottish National party Members or their amendments; my view remains that those amendments may result in—or may explicitly seek, in many instances—the skewing of, or disruption to, the common market of the United Kingdom, which has served us so well for many centuries.

Dr Philippa Whitford (Central Ayrshire) (SNP): Does the hon. Gentleman not recognise that there are actually differences in regulations at the moment, and have been for many years? They have never disrupted trade within the UK.

Lee Rowley: I absolutely recognise that, which is why I chose my words extremely carefully in referencing the common market, rather than saying that we are absolutely the same. I accept that there are differences, but the overall benefit of the United Kingdom, and why I am a member of the Conservative and Unionist party, is that I see in the coming together of Northern Ireland, Wales, Scotland and England something greater than the sum of its parts. I know that we will never agree on that; I recognise that the hon. Lady has profound differences with me, but I hope she will accept my view that the UK is greater than the sum of its parts.

More broadly, I do not agree with some of the sentiments expressed today or in previous discussions regarding the Government's position towards the EU, as outlined by the hon. Member for Poplar and Limehouse.

It seems to me that the EU appears to have again successfully found our domestic fault-lines and pressure points, in this instance the internal market of the United Kingdom, and particularly Northern Ireland, to aid its own interests in the negotiations.

There is no doubt, as has been indicated by our exchange already, that the debate on the structuring of the Bill and the structure of our internal market is a challenging one in places, within this Chamber and beyond. To me, however, the Bill and its clauses seem only logical in supporting the key principles of mutual recognition of goods, recognition of qualifications and non-discrimination of goods and trading within the UK's internal market, and from that follows a clear statement about the implications for our wider relationship with Europe as a consequence.

5.15 pm

I agree with my hon. Friend the Member for Montgomeryshire (Craig Williams), who is no longer in his place, that some of the discussion sadly seems to fall back into an opportunity to replay the Brexit wars of 2016 to 2019, to return to our leave and remain tribes and to build up the usual rhetorical architecture that returns us all to our comfort zones. For some, 23 June 2016 will be an eternal Groundhog Day from which they can never escape, and nor, apparently, do they ever seem to want to. That kind of return to an unreconciled Brexit is, in my view, most unwise, and I could not have agreed more with my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) when he said yesterday that

“this is not a question of leave or remain.”—[*Official Report*, 21 September 2020; Vol. 680, c. 739.]

It should not be, and for many, it is not. It does not need to be, if we reject many of the amendments to our domestic legislation tonight and, more widely, if we accept the reality that we have a job to do in our negotiations with the European Union in the coming months, which we all hope will succeed, but that we must prepare for the worst if we need to.

There are many reasons why I am a Conservative, and one of them is a clear recognition that, unlike in some other traditions, we have to deal with the world as it is rather than the world as we wish it to be. That is not to be cynical or glib about the way in which we interact in our international relations, but simply to be realistic about the challenges that face us, the levers we have to resolve them and the way in which we legislate domestically to meet them, as we are doing in this Bill. There are many good elements in the Bill, but also some that have been brought forward by necessity. We should have no desire to use some of the powers conferred in the Bill, but we acknowledge that they are present if the European Union continues, based on the reports we have received, to act in bad faith.

I also want to pick up on some of the points made by my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), who is no longer in his place. It behoves us in this place to recognise that the external negotiations—we are debating the domestic legislation that comes from them today—are not motherhood and apple pie. They do not come feting us with rose petals as we walk down the street to have those discussions. In all these negotiations there are hard choices to be made, whether they are those that have been made by a

supranational organisation such as the EU on our behalf for the past 40 years—for example, the EU is involved in many disagreements with other countries, none of which has ever really troubled many people in this area—or the difficult decisions we will have to make on our negotiating strategies with the EU when these powers come to the United Kingdom. Indeed, if some people in this Chamber got their way and the United Kingdom was broken up, those hard choices would still be devolved to the areas that had been broken up. Those difficult decisions would need to be taken none the less.

This is why I struggle with some of the amendments today and with some of the sentiments that have been expressed. The idea that there are no hard choices in trade is for the birds. The idea that the negotiations will not be difficult or choppy, when much will be on the table to be used as leverage—

Wendy Chamberlain (North East Fife) (LD): Will the hon. Gentleman give way?

Lee Rowley: I will not. I apologise, but I wish to make some progress.

The idea that the negotiations will not be difficult or choppy is unrealistic. Our values of openness, internationalism, free trade, partnership, fairness and freedom never change, but we have to prepare our domestic legislation and ensure that it works. Certain key questions remain, however. What else can be done? How else can this be remedied? How can the United Kingdom protect its own interests, its fundamental, historic economic integrity and its right of self-determination? I have yet to hear one realistic alternative to the legislation in front of us today that would create a functioning, coherent and integrated internal market, based on a historic precedent, that would work and that would, as a result, allow us to be clear with our friends over the channel that, as a consequence, the economic integrity of the United Kingdom must be respected.

Deidre Brock: I rise to speak to amendment 89 and a number of other amendments that appear in my name and those of my hon. Friends. I also support Plaid Cymru's excellent amendment 9.

Scottish architects have raised concerns about the Bill imposing the much lower English building standards on Scotland. The Royal Incorporation of Architects in Scotland pointed out this week that Scotland's standards have helped prevent tragedies like that at Grenfell. Peter Drummond of the RIAS said that

“it is simply inexplicable that the bill seeks to align the more robust Scottish regulations with the English system. Those powers are now to be removed. The lowest common denominator within the UK will apply. And that is, on any fair reading, a spectacularly poor step backwards.”

One would think that England would want to move towards the Scottish standards, but the Bill makes it clear that England's Government seek to bring Scotland's standards down rather than improve English standards. That poverty of ambition will haunt England for decades, but it should not be allowed to shackle the rest of us.

In areas of devolved responsibility, the Government in Whitehall are the English Government rather than the UK Government. The Bill, under the myth of removing barriers to trade, ignores that division and

seeks to force Scotland—and, of course, Wales and Northern Ireland—into a lockstep Union of diminishing standards and lessening protections, with a Government determined to rip away what they would term red tape and the rest of us term sensible precautions.

The White Paper singled out various building standards as a supposed barrier to the smooth functioning of the market, in spite of decades of experience showing that to be utter nonsense. What about other standards? Will the minimum tolerable standard for living accommodation be lost? Will teaching qualification standards be removed?

In answer to the hon. Member for Hitchin and Harpenden (Bim Afolami), who is no longer in his place, I have had a number of WhatsApp messages since the earlier exchange and I am told that in England a teacher can be unqualified or can switch subjects. For example, a PE teacher can start to teach physics if there is a shortage. That is not the case in Scotland. Scottish teachers must have a degree in teaching or in the subject they are teaching, plus a postgraduate qualification. Again, that is not the case in England, as I understand it. Will free schools and academy schools be foisted on an unwilling Scottish populous? Will the power grab destroy Scotland's consumer protections?

The exemptions in schedule 1 include water and sewerage, to be sure, but clause 10 allows the Secretary of State to amend those exemptions by secondary legislation. Is this the back door to privatising Scottish Water?

The Bill is a parade of threats to Scotland, not least among which is the threat to our food and drink industry. The Government will remove food protections. Animal welfare standards, environmental standards and protections against genetically modified crops are all in the firing line. Ministers will tell us that this is not so, but let me tell them that no one believes them. England's Government will not protect English consumers, but they should not get in the way of Scottish Governments protecting Scottish consumers.

I have solutions. The first is the obvious one and by far the best: Scotland as an independent nation state making her own decisions, which will happen soon. The second is less direct but would have some effect: instead of reducing everything to the lowest common beast, as is proposed in the Bill, raise it instead to the highest standard. Our amendment 89 would do that. Where goods are traded across the borders of these nations, let them be traded at the highest standards. Scotland has banned flammable cladding on high-rise buildings and that should be respected. A ban on hormone-treated beef should be respected, and so on. Respect the higher standard and protect the consumer, the brand reputations, the businesses and the investment—protect jobs. The higher standard should be the goal, not the lower. I urge Members to adopt that principle and Ministers to consider it.

There are other problems with the Bill. Regulations will be made in Whitehall. Unlike the EU process, this will not be co-decision-making. EU competences are constrained by the need to achieve consensus among member states. This regime will be dictatorial: rule from the bunker, not the negotiating table. The mutual recognition clause is actually the Whitehall superiority clause.

Scots academics have given this Bill short shrift. Professor Michael Dougan has been quoted at length in this debate. Professor Michael Keating, professor of

politics at Aberdeen University, points out that under the 1999 devolution settlement there was no hierarchy of laws; some were reserved to Westminster and the rest were devolved. Under this Bill, UK Ministers would have

“powers to regulate a...wide range of otherwise devolved matters in the name of the internal market”.

Professor Nicola McEwen of Edinburgh University makes it clear that rules made by the devolved Administrations will not apply to goods or service providers that satisfy less strict regulations in England. She says that

“unfettered market access is given priority. EU principles of proportionality and subsidiarity are...excluded.”

Also on the chopping block would be the right to differentiate production methods in procurement, so there goes organic farming—even if it survives the drop in exports after the Government’s failure to agree an equivalence with the EU. This is an absolute mess, and that is why amendment 89 is so important.

Do not drag us down; use the good example set by a neighbour to raise up your own standards. Let us have goods crossing the national borders of these islands meeting the highest standards, rather than the lowest. There has been much ado about the fact that the Bill will potentially breach international law. It is a matter of at least equal concern that it would change our constitutional arrangements without asking the people for approval in a referendum. Furthermore, the Bill would give Ministers the right further to amend the constitutional settlement without the bother of primary legislation. Some folk would call that a coup d’état. It represents the dismantling of the devolved settlements, the disempowerment of this Parliament and the centralisation of power in the hands of a very few Ministers. Surely that is the mark of a failed state.

In short, this Bill is a mess that would have been better off consigned to a skip, but if we are all going to have to suffer it—we in Scotland, hopefully, for the shortest time possible—at least let us pitch for the higher standard, rather than the lower.

Dr Whitford: I also rise to speak to amendment 89 and the other amendments listed in my name and the names of my colleagues.

Part 1 of the Bill introduces two key trade mechanisms within the UK for the first time: mutual recognition and non-discrimination. The hon. Member for North East Derbyshire (Lee Rowley) tries to make these sound benign, but that just shows his lack of ability to see what they look like from any of the devolved nations. Non-discrimination, which is covered in clauses 5 and 6, would affect labelling regarding the source of produce. It would therefore remove the ability for consumers to reduce their food miles or to support local producers if they choose to, and could be used to undermine or challenge protected geographical indicators or the Scottish brand—as in Scotch whisky and Scotch beef. Despite their long tradition and international recognition as Scottish products, we already see the promotion of British whisky and British haggis, of all things.

Clauses 2 and 3 cover mutual recognition, which creates a powerful deregulatory pressure, because if any UK nation has lower standards or regulations, the other three must just shut up and accept such goods. As

England is the largest nation and economically the most powerful, it is assumed that its standards will dominate, particularly as the Secretary of State has the power to change the Bill on a whim if he wishes. Although clause 3(9) says that the Secretary of State “must consult” the devolved nations, I am afraid that the last four years have shown just how worthless and meaningless such a phrase is.

Clause 3(4) lists the aspects of a product that could come under mutual recognition, including its characteristics, performance standards, packaging and labelling, and certification.

There is even a catch-all line for

“anything not falling within paragraphs (a) to (f)”.

Basically, every single aspect of commercial goods could be challenged under this legislation.

The Government claim, as indeed do many on the Conservative Benches, that the Bill is needed to maintain trade throughout the UK, yet previously trade continued without any problems, despite the variations in the four nations’ regulations. All three devolved Governments have been working to agree common frameworks to ensure that there are no obstacles to trade but also that the devolved powers and different priorities of the four nations are respected.

5.30 pm

It is claimed that the Bill is needed to protect British producers, but clauses 2 and 5 refer also to goods that are “imported into” or that “pass through” any part of the UK. This is not about UK producers, which already meet high standards; it is clear that, despite all the rhetoric and protestations, it is about either lowering UK standards or accepting lower-quality products to achieve a trade deal. That concern is heightened by the UK Government’s repeated refusal in the proceedings on the Agriculture Bill or the Trade Bill to protect food standards or exclude the NHS and other public services from future trade deals. Indeed, there is no guarantee of preserving minimum standards on anything.

Drew Hendry: Does my hon. Friend agree that it tells a huge story that the Government have voted against those kinds of protections on 10 occasions?

Dr Whitford: Absolutely. An amendment was tabled by one of their own Members—the Chair of the Environment, Food and Rural Affairs Committee, the hon. Member for Tiverton and Honiton (Neil Parish)—to protect food standards in farming.

Deidre Brock: Does my hon. Friend share my amazement that not a single Scottish Tory has attended today’s debate, despite the impact that the proposals will have on the devolved nations and on Scotland?

Dr Whitford: The Conservatives tend to count on the farming community in Scotland. I echo what others have said: the National Farmers Union of Scotland is none too happy with what has been happening, particularly the failure to protect standards.

That brings us to the dreaded chlorine-washed chicken. Of course, it is not the chlorine that is the issue—if someone is not a great swimmer, they will have swallowed more in a swimming pool; the concern is about why the chicken is washed in chlorine in the first place. Because of the overcrowding of poultry and poor animal welfare

[Dr Whitford]

standards, the US has between seven and 10 times the salmonella food poisoning rate of the UK, even after washing its poultry. It is clear that most consumers are none too keen on chlorine-washed chicken or hormone-fed beef, but the labelling restrictions under the Bill may well mean that they are not allowed to know. A lot of people may consider becoming vegetarian when such products appear, but that will not help them, because the US also allows higher pesticide residues.

After clause 46, which takes back control of spending in devolved areas, the mutual recognition clauses will have the biggest impact in respect of removing powers from the devolved Governments. Mutual recognition will mean that any devolved legislation to maintain or drive up standards will end up applying only to local producers and not to goods from elsewhere in the UK. That would, of course, put local producers at a disadvantage, without achieving the benefit that the devolved Government were seeking. The EU single market is based on mutual recognition, but the EU generally sets higher standards rather than lower ones and, as was mentioned previously, new standards are agreed by all 27—previously 28—nations. Unlike the UK, the EU accepts derogation for social benefits such as public health, consumer protection, waste reduction or tackling climate change. The Bill has no such derogations at all.

It has often been the devolved nations that have driven forward ideas and legislation in the UK. That should be welcomed, not obstructed. On health, Scotland was the first UK nation to introduce the smoking ban in 2006, and it led the way on the minimum-unit pricing of alcohol in 2018, which Wales is now seeking to follow, but this was specifically attacked as a regulatory restriction in the White Paper and could fall foul of either mutual recognition or non-discrimination—the Government do not seem to be very clear on that. While legislation that is already in place is exempt, any change to that legislation could bring it within the scope of the Bill, so that might act as a disincentive to increasing the unit price on alcohol in the future. Indeed, the whole Bill is a disincentive to creative legislation within the devolved Governments to improve life for their citizens.

On the environment, Wales was the first to charge for carrier bags in all shops in 2011, followed a couple of years later by Northern Ireland and Scotland. England finally followed in 2015, but only for large retailers. Last year, Scotland was the first UK nation to ban plastic stemmed cotton buds, which make up 5% to 10% of marine waste. Yet Scotland's plans for a deposit return scheme to increase recycling and reduce litter is attacked in the White Paper. If the devolved nations have to always wait for the slowest, innovation and action will be stifled.

Part 3 of the Bill establishes similar new rules over professional qualifications and, ironically, seems to be modelling itself on freedom of movement. Under clause 22(2), anyone recognised as professionally qualified in one part of the UK must be accepted in all other nations of the UK. Of course, medical qualifications such as mine are part of a UK-wide registration, but there are professions with specific requirements to be registered in Scotland and Wales.

I note that, miraculously, there were still enough lawyers left in the Government to make sure that the new rule did not apply to the legal profession, as Scots law is of course completely separate, but what about other professions? England has introduced nursing apprentices and nursing associates, while Scotland still maintains nursing as an academic profession. Scotland and Wales both require a teaching qualification, but in England anyone with a degree can become a teacher without any formal teacher training. Education in Scotland was not devolved 20 years ago, but like Scots law and the Church of Scotland, it has been a separate entity since prior to the Act of Union and was protected in that Act.

This Bill is a piece of wanton vandalism. The Tories never supported devolution, and this Bill is driven by anti-devolution politics and control freakery, rather than anything to do with economics or business. There is an alternative to this high-handed and heavy-handed legislation. The UK Government should get back to the table and continue working on agreeing common frameworks, instead of winding back two decades of devolution.

I can tell the House that, regardless of their views on independence, the vast majority of people in Scotland support devolution. They appreciate the value of maintaining a unified public NHS and of Scotland's wellbeing policies, from the baby box to free personal care. Last Friday was the sixth anniversary of our independence referendum, when the people of Scotland held control of their future in their own hands for 15 hours, but sadly gave it back. Among the broken promises of "Better Together", which achieved that outcome, were "Vote No to stay in the EU" and promises of more devolution, not less, and of Scotland being an "equal partner" in a "family of nations". This Bill leaves any shred of such a claim twisting in the wind. If the Prime Minister and his Government think this Bill will strengthen their precious Union, I have news for them: it will do precisely the opposite.

Wendy Chamberlain (North East Fife) (LD): I rise to speak to new clause 9, which I have tabled with the support of my Liberal Democrat colleagues. During the Bill's passage through the House, we have frequently heard from Ministers and the hon. Member for Rother Valley (Alexander Stafford), who is no longer in his place, that this is not a political Bill. Last Tuesday, the Under-Secretary of State for Business, Energy and Industrial Strategy, the hon. Member for Sutton and Cheam (Paul Scully) emphasised that in his wind-up. He said that he wanted

"to put the Bill into context, so that we can see where it sits... This is an economic Bill".—[*Official Report*, 15 September 2020; Vol. 680, c. 263.]

I simply disagree. I will leave to one side the fact that the Bill breaks international law. I am just talking about the sections of the Bill that are before us today, for which the Department for Business, Energy and Industrial Strategy is responsible.

This is a political Bill because, at its heart, it is about the question of who decides, which is of huge constitutional importance. The powers that went to the European Community nearly 50 years ago are returning to a UK that has had, despite appearances, a constitutional makeover. Scotland, Wales and Northern Ireland all

now have devolved Governments, and that constitutes profound change. To expect that the responsibilities that are returning from Europe will map neatly back on to our new constitutional settlement is to live in the past.

Looking at some parts of the Bill, we have to wonder whether those drafting and proposing it truly understand what is devolved and what is reserved and the implications of that. We have heard from some Members today who have not previously engaged with this either. The Government clearly believe that the default position in relation to returning powers should be to Westminster, whereas the Scottish Government believe that it should be to Holyrood unless specifically reserved. I go back to what I said in relation to part 4 of the Bill last week. Breaching this divide means consensus, consultation and collaboration—a four nations approach, which has to be the root of all we do as a United Kingdom.

Dr Whitford: Does the hon. Lady agree that there requires to be added another “c”: consent? We hear a lot about consent for the people of Northern Ireland, but for such a radical change and undermining of devolution, we hear nothing of any consent to this process for the people of Scotland.

Wendy Chamberlain: I thank the hon. Lady for her intervention. I would argue that consensus also implies consent, because it is about seeking agreement from all parts.

There are other areas where the Bill gestures towards the reality of our constitutional settlement but simply offers no compatibility. As I mentioned last week, there is no answer on the face of the Bill as to how disputes between the four nations will be resolved, which is surely crucial to the functioning of the internal market.

This Bill applies more pressure to the splintering foundations of our constitutional settlement, so of course it is a political Bill. If the UK Government and members of the Conservative and Unionist party care about the United Kingdom, they will have to educate themselves. Measures such as those in this Bill that fail to respect the devolution settlement are giving the Scottish National party and its Members here free rein in relation to their narrative about Scotland being ignored and controlled from afar, with the only solution being to leave the UK. How can a Bill like this not be political when the future of the UK is arguably at stake?

We urgently need to assess how we work together as four nations—as one United Kingdom—if we are to overcome the politics of grievance and division. That means a real focus on working collaboratively for the whole UK while respecting the devolution settlements. I call on the Minister to recognise that there are plenty of ways in which the Bill could be improved in that regard, not least by giving the Scottish, Welsh and Northern Irish Governments the ability to appoint a member to the board of the Competition and Markets Authority, as proposed by my party’s amendment to part 4 last week, which would give real ownership. I would be interested to hear his response to that.

It goes beyond this Bill. We need a total rethink of how the four Governments interact, because our constitutional settlement does not work for the whole UK. There has been substantial change since 1973, and devolution is now 20 years old. The UK remains a

country with one of the most centralised Governments in the world. With devolved Administrations in Scotland, Wales and Northern Ireland but the UK Government operating under the old pre-devolution structures, we have created the perfect storm for those who wish the end of the UK to drive a coach and horses through an unwritten constitution.

Members of this House have to recognise, when they look at increasing support for leaving the UK, that the feeling that our constitutional settlement is broken is not limited to Scotland. If we do not attempt to fix it, we will lose it. My new clause 9 aims to improve the Bill but also to provide a way to allow us to reinvent our constitutional settlement. It would require the Business Secretary to publish a framework for a UK council of Ministers three months after the passage of the Bill. The council would ensure the effective functioning of the internal market, with representation from all the devolved Administrations, as well as the UK Government. That would be a way of getting back to a model of collective buy-in, working collaboratively for the whole UK while respecting the devolution settlements. We can work in a much more transparent and accountable way together. It is entirely possible.

This new clause would also be the first step towards the development of a more federal approach to the UK, which will benefit all of us. Ultimately, that is what this Union needs to survive. We cannot rely on the old institutions, which are not fit for purpose. The hon. Members for Edinburgh North and Leith (Deirdre Brock) and for Central Ayrshire (Dr Whitford) highlighted the consensual approach to standard agreements within the EU. Given the Scottish National party’s desire to join the EU, such a federal step, if taken by the UK Government, would arguably negate one of the central arguments for departing the UK. A more federal approach would give people in the devolved nations a degree of autonomy that, had it been on the ballot paper in 2014, would have been voted for.

I call on the Minister to reflect on the measures in the Bill. We have to do so much more to ensure that the devolved nations and regions of England are listened to and can play an active part. I urge the Government to bring forward amendments that will give the devolved nations a degree of buy-in to this piece of legislation. That would at least be a start.

5.45 pm

James Daly (Bury North) (Con): May I say what a fine speech that was? I may not agree with much of what was in it, but it was a heartfelt plea to protect our Union. To Unionist politicians such as me, it is a strange thing indeed—I am elected in Bury but I consider myself part of the same country as the Scottish National party Members. I may have a naive point of view, but I believe that we all live in the same country, with defined, different nationalities—I understand that. However, I consider myself British, and although SNP colleagues may well not do this, I consider them to be British as well—[*Interruption.*] I see the shaking of the heads, but the preservation of a Union that I think has benefited the whole of the people of all our islands is so important.

Rather than commenting on internal Scottish or Welsh politics, I would like to make some general points on the Bill and why I support it. In the era and the time that we are living in, a Bill that regulates and standardises

[James Daly]

the way that firms and businesses interact with one another across the United Kingdom has to be a good thing. I understand the arguments that have been put forward, but from my point of view, free and unfettered access, fair access and fair treatment for all individuals and businesses is an honourable intention.

Dr Whitford: Does the hon. Gentleman not accept that there has been about a year's worth of work on agreeing common frameworks to deal with difference? The hon. Member for North East Fife (Wendy Chamberlain) talked about having a consensus. Would that not be a more successful approach than one country bullying the other three?

James Daly: I think that there is a lot of merit in that approach. I suspect—I am sure that the hon. Lady will tell me that I am wrong—that, literally, Ministers could say anything and the Scottish National party would not agree and would find a different argument to take a different course. However, I think it is a very valid point.

I want to make two simple points. I think that the Bill is meritorious and positive and that it seeks to achieve an outcome that increases prosperity for everyone within the United Kingdom. This is the first opportunity that I have had to speak in this debate, but I was somewhat surprised that on the first day of debate, SNP Members were arguing that money should not be invested in Scotland because it comes from the United Kingdom Treasury, so—[*Interruption.*] That is certainly my perspective—

Dr Whitford: Will the hon. Gentleman give way?

James Daly: I will just develop my point and then of course the hon. Lady can come back in. I see a Bill that allows Ministers of the Crown of the United Kingdom to invest moneys in different parts of the United Kingdom, in collaboration with the devolved Assemblies, as an extremely positive thing. The argument will come back that there is nothing in the Bill to confirm what the framework is—whether they are going to build a bridge or whatever the investment will be—but I would never stand here and say, and I cannot understand the argument to the contrary, that money should not be invested in an area to benefit citizens because it comes from a certain pocket. Hon. Members constantly argue that the EU is a positive change for good. They had no objection to the way EU money came in. I believe that my Government have the most honourable and positive intentions to invest moneys in all parts of the United Kingdom to kickstart and supercharge the economy to get us through the coronavirus period, and that is why I think that this Bill is a positive step.

Dr Whitford *rose*—

The Temporary Chair (Siobhain McDonagh): Order. I am sorry, but we have strayed a bit off the point. I like to give flexibility and latitude, but I do not want to kick off a long-standing discussion about something that was discussed last week.

James Daly: To get to the point about regulation and standards, I have listened to the debate and there have been numerous comments regarding a race to the bottom,

and a derogation of standards. I can see no evidence at all in the papers that I have seen that anything other than the highest standards are to be maintained in regulation, food and all the other powers and competences that the UK Government will now be administering. There is no evidence for any of this. I appreciate the point that has been made, but numerous examples can be put forward by those who say, “I have concerns about this and concerns about that. This might happen or that might happen.” The central point is that the UK Government have repeatedly stated their commitment to the highest standards, whether that be in food, health, animal welfare standards and all the other examples that have been given.

Dr Whitford: Why, then, will the Government refuse to protect those standards in legislation? We have had an Agriculture Bill and a Trade Bill, so there was plenty of opportunity to put in writing the commitment not to go below the levels that we currently have.

James Daly: Certainly, in my view, the Government have not at any point refused to give such a commitment. Let me repeat again for the hon. Member: the Government have repeatedly stated their commitment to the highest possible standards. I am talking about EU standards—standards that have regulated businesses and the various sectors of the economy to which I have referred. I would accept the argument if some evidence could be pointed to by SNP Members, but there is no evidence at all that the Government are going to derogate from the highest possible regulatory standards.

Anne McLaughlin: The hon. Gentleman says that there is no evidence at all that the Government will lower standards, but there is nothing to stop them doing so in the legislation. It is all very well their telling each other, chatting in the corridors and saying to us, “No, don't worry, we won't do that”. They have to put it in the legislation, otherwise how are we supposed to be clear that we will not have to lower standards against our will?

James Daly: Many, many things could happen in life, but the point remains that not one Opposition Member has been able to point to one action of the Government—they have not pointed to literally anything—that would indicate that they are derogating from the highest possible standards and the standards that we enjoy at this moment in time and that we have under the European Union.

This is a good Bill and this is a positive Bill. Rather than dwelling on the legal argument, which would be somewhat going off the point in respect of where we are today and which I am tempted to do, I will say that this is a Bill to strengthen our United Kingdom, to invest moneys in every part of it, to ensure that we have free unfettered access and to ensure that all parts of the United Kingdom are within the UK internal market, as set out in the withdrawal agreement and the Northern Ireland protocol. I congratulate Ministers on this Bill as it will only do good for our fellow citizens in all parts of the United Kingdom.

David Simmonds: At this stage in the debate, my challenge is to try to say something original on the various different topics that we are considering. Today's

business concerns mutual recognition and non-discrimination. Having spent many happy days of my life in the Centre Borschette on the rue Froissart in Brussels, alongside very good colleagues from Scotland, Ireland, Wales, the United Kingdom and the other composite states of the European Union, debating these issues in respect of, in my case, education, while committees alongside us debated those issues around financial services, veterinary products, fish and every possible type of goods and services, it is clear that the United Kingdom has long played a key role in writing these rules.

I welcome the commitment that was alluded to by my hon. Friend the Member for Bury North (James Daly) that, at the end of the transition period and as part of the process of withdrawal, the United Kingdom's commitment is that all those standards are written into the law of the United Kingdom, so the minimum standards that apply to us as a member of the European Union that already prohibit chlorinated chicken and hormone-fed beef will become the law of the land.

Let me try to concentrate on three points that have not been covered in sufficient detail yet. The first is the importance of the integrity of the UK single market and why this matters in the context of the trade deal that we are seeking to achieve. In 2018, the United Kingdom was fined £2.4 billion for failing to uphold its treaty obligations as a member of the EU to enforce the standards that we are committed to apply at our borders.

Having spent so much time in Brussels, I do understand that the UK is a little notorious with our friends and allies, and the risk they fear is that the United Kingdom, with our global reach in terms of our international maritime trade, will become a backdoor into the European single market for goods that do not meet the minimum standards that we need to uphold. That is a legitimate concern, especially as Brussels expects to receive significant amounts of trade tariffs on those goods that are coming into the UK single market and, potentially, with an open border on the island of Ireland, would then be re-exported. We need to respect the fact that that is a genuine concern on the part of the European Union, we need to pay the attention that Ministers have referred to to ensuring we uphold rigorous standards on our own borders, and we need to ensure that our voters and the wider public recognise the commitment that the United Kingdom single market will continue to uphold the high standards that we have in the European Union, and in future, where we seek to diverge, it will be in an upward direction, with higher standards, rather than lower.

The second issue I would like to touch on is devolution. I do have some sympathy with the concerns of Members from devolved nations about the power grab point. Many colleagues—Tony Buchanan and Stewart Maxwell from Scotland, Arnold Hatch and Jonathan Bell from Ireland and many others from across the United Kingdom, and other Members of this House, including the hon. Member for Leicester East (Claudia Webbe) and my hon. Friends the Members for Northampton South (Andrew Lewer) and for Bromley and Chislehurst (Sir Robert Neill)—have played a role in exercising UK local and regional government powers in Brussels over the way in which we, as part of that wider single market, both regulate and choose to spend the funds that we are part of, like the European structural fund and the European social fund.

I note that those issues have already been exhaustively debated, but a point that has not been aired very much in the debate is that, following the ending of the arrangements whereby we participated in those bodies, we have a range of UK Joint Committees, including ones that are there to exercise a similar scrutiny and oversight role around how that regulation is undertaken and how those funds are expended. It should be of concern to us that with an agreement already in place—I know Scotland has nominated SNP Members to the Joint Committee, with the Committee of the Regions to supervise and provide oversight of the run-out period of the European structural funds—we still need to hear a little more about how we are all committed to making those arrangements, which were committed to by Ministers on the Floor of the House, work effectively in the interests of our UK single market in future.

We are seeing many parts of our constitution—our local authorities, our regional authorities—stepping up to the plate, and our businesses being a part of that. It is very sad not to hear that debated and aired in this place, especially when in the case of structural funds there is £730 million unspent that the UK has already contributed, which will be returned to Brussels if Members across the House do not put pressure on our Front-Bench team to make sure it is spent by the end of this year.

Finally, I would like to touch on the point about legality. I am not a lawyer by background, but it is very clear to me that this debate has been something of a lawyers' delight. We have had advice from those with eminent legal qualifications about whether things do or do not contravene international law and what triggers those decisions, and opinions given by people with immense political experience about the impact that that will have on the UK's reputation. It strikes me, however, that what is being proposed by the Government is quite similar to what is common practice when sending our armed forces to places where there is a high degree of tension, when the rules of engagement say that people will not fire unless fired upon. What I am hearing from the Government is that these arrangements are there in the backstop so that unless the negotiations—which, as the Secretary of State for Northern Ireland indicated, are proceeding in good faith—break down irretrievably, they will not come into play, but it is a fact that, whether they are in the Bill or not, the UK would have recourse to those provisions if we needed them, and it is an appropriate precaution for the Government to take to bring those forward now.

These kinds of conflicts are not unusual. On 5 May, the German federal court handed down a judgment in respect of Germany's signing up to the European Central Bank's buying of bonds in order to enable a European recovery from coronavirus, and said that that was not lawful and conflicted with the domestic law of Germany. While there was much wailing and gnashing of teeth in the Government there, I understand that that is one of many judgments that have been handed down over the years demonstrating that there will be these conflicts between domestic and international law and that they need to be resolved not as a matter of taking down a legal textbook, but as a matter of negotiation in good faith between partners and allies. I have every confidence that that is what will be achieved.

I understand the fury and frustration of many of our colleagues who have given so much of their political lives in seeking to reach a deal. To me it is very clear that

[David Simmonds]

both sides are seeking to negotiate in good faith and the more that we can respect that, the better. The European Union is our largest, our most valuable, and, importantly, our most mature single market partner that we engage with. It is crucial to our economy and enormously valuable to their economy that we get a deal. I can see that behind the scenes Ministers and negotiators on all sides have been putting the mechanisms and structures in place to deliver that. I support the Government in seeking to ensure that the deal is in place for the good of the United Kingdom and our allies by the end of the year.

6 pm

Lucy Powell (Manchester Central) (Lab/Co-op): I rise to speak to the amendments and new clauses in my name, and in the names of my right hon. and hon. Friends.

We are the end of four full days of debate on the Bill. We have heard from many new Members, some of whom I, until recently, served with on the Education Committee, as we have just heard. Remarkably, we also heard a former Conservative Prime Minister, a former Northern Ireland Secretary, the Conservative Chairs of the Foreign Affairs Committee and the Defence Committee, and many other highly respected Members across the House voicing their deep concerns about the Bill. Yet as we come to the final day in Committee, aside from a small amendment on a further vote, the Government have, I am afraid, been typically blinkered in their response.

Such is the significance and seriousness of the Bill, it has even caught the attention of presidential candidates and the Congress in the United States for all the wrong reasons. At every stage, good and decent people inside and outside this House have warned the Government that this is a bad and damaging Bill: five former Prime Ministers; four former Lord Chief Justices; three former Conservative Attorneys General; two senior Government Law Officers, now resigned; and even one want-to-be director general for the World Trade Organisation, the right hon. Member for North Somerset (Dr Fox). Many of them are self-proclaimed ardent Brexiteers. The Government's charge that this is an attempt to stop Brexit has fallen very short indeed.

Most, including the Labour party, support the intention behind the Bill. An internal market Bill could have achieved widespread support: a strong, flourishing UK internal market, respecting the devolution settlement and underpinning the Union; Northern Ireland's unique place within our Union safeguarded; a successful trade deal with the EU delivered. Yet the legislative hooligans in No. 10 won out and instead we have this blunderbuss of a Bill fronted by the Prime Minister, which undermines each and every one of those intentions.

The Prime Minister promised an oven-ready trade deal with the EU, yet the antics of the Government around the Bill now mean we are further than ever from achieving that. The Prime Minister promised to safeguard Northern Ireland's unique place within our Union, yet the unpicking in the Bill of delicate and sensitive agreements is now putting that at risk. The Prime Minister promised a successful global Britain doing trade deals around the world, yet this Bill's disregard for a treaty the Prime Minister himself signed up to less than a year ago now makes his signature not worth the paper it is written on.

The Prime Minister promised to strengthen and keep intact our precious United Kingdom, yet the utter disrespect of the devolution settlement in the Bill has handed the First Minister of Scotland all the ammunition she needs to power her campaign for Scottish independence. We have sought, at every stage, to improve the Bill in the national interest. Today, we try again.

I will turn now to our principal amendment. New clause 11 would place a duty on Ministers to report on the progress and impact of the Bill. Throughout the Committee stage, the Government have sought to reassure both sides of the House of their good intentions in relation to the common frameworks process, the Joint Committee talks and their ambitions for the shared prosperity fund, yet their warm words have not been backed by either statutory underpinning or transparency in the publication of their plans. As such, our new clause 11 gives the Government one last opportunity to report back to the House regularly on those important issues.

On common frameworks, the Government should stand by their stated intentions. Ministers herald this approach yet refuse to put them on a statutory footing. Our new clause would require Ministers to return to the House regularly to update us on the progress of agreeing common standards. Crucially, they would have to demonstrate that they had agreed them, as they said they would, and that they were acting in good faith in exhausting all opportunities to do so before using the powers in this Bill. For the sake of completeness, we believe—for those who did not hear my comments last week—that the ultimate arbiter of the UK internal market has to be the UK Parliament. However, the Government could and should have taken a more respectful and co-operative approach to agreeing the minimum standards that underpin that market.

On the collective desire for a shared prosperity fund to replace the EU structural funds, we had a long debate with concerns raised across the Committee about how these funds will be distributed. The promised framework has yet to be published, and Members from all parties have been left unconvinced by the Government's reassurances. We want to ensure that within three months of this Bill becoming an Act, the Government must produce the framework and operating principles of the new shared prosperity fund. At its heart, funds should follow need and be administered locally.

We have heard much over the past four days in Committee about how the clauses in part 5 would be used only as a very last resort after serious breaches in terms of bad faith by the EU. Yet we have heard a lot less about how the conversations are progressing through the Joint Committee. Indeed, we have heard contradictory accounts from the Government as to whether the EU is or is not acting in bad faith. It is about time we had a more transparent and honest appraisal of Joint Committee progress. Our new clause 11 would put a legal duty on the Government to report back to the House on this within three months.

Our amendments 86 and 87 seek to clarify the Government's position about the impact of this Bill on public procurement policies of the devolved Administrations. Public procurement is a crucial lever in the promotion of industrial strategy, regional economic development, employment, and environmental standards. Unless specifically exempted, there are concerns that

restrictions may be placed on the ability of the devolved authorities to adopt new or revised public procurement policies. Will the Minister confirm that public procurement is outside the scope of the Bill?

Dr Whitford: I echo the importance of public procurement remaining a devolved power. The Government contracted Amazon to deliver and collect home tests for covid without bothering to think through the fact that Amazon does not deliver to huge swathes of the Scottish highlands and islands. That kind of ignorance is the reason we need devolution.

Lucy Powell: The hon. Lady makes a good point. As Labour has been arguing throughout this crisis, local decisions are how we are going to overcome this virus, if we can make them effectively.

Many of the Government amendments are a tidying-up exercise and we have no quarrel with them. However, as learned Friends on the Labour Benches and in the other place, as well as on the Government Benches, know, Government amendment 66, which we will be voting on tonight, still amounts to tearing up an international agreement and breaking an international treaty that the Prime Minister has himself just signed. As my hon. Friend the Member for Sheffield Central (Paul Blomfield) said in his excellent speech yesterday, the breach of international law is not when we enact the provisions of this Bill, but prior to that. The Government could not answer the point made by the right hon. Member for Staffordshire Moorlands (Karen Bradley) yesterday regarding the point at which this international treaty is being broken. Many would argue that even publishing these measures breaches article 5 of the withdrawal agreement. Can the Minister clarify that for us today?

The ink is not even dry on the bilateral treaty between the UK and the EU—a treaty that is about and for dealing with some of the difficult issues that we have debated over four days. Reneging on that treaty so soon, and the loss of trust resulting from that, is not comparable with a disagreement arising from a ruling by the European Court of Human Rights, as was the case with, say, prisoner voting, which was raised by Members across the House. Government Members do not have to take our word for it. They should listen to the right hon. Member for Maidenhead (Mrs May), who delivered the most scathing rebuke of this Bill yesterday, saying that the Government were “acting recklessly and irresponsibly” and warning of “untold damage” to the UK’s international reputation.

It could have been all so different. The Government could have worked cross-party and in a respectful way with the devolved Administrations to build a strong internal market based on mutual respect, to deliver the “oven-ready” deal we were promised, to enhance our reputation around the world, not diminish it, and to strengthen our precious Union, not put it at risk. Ministers could accept new clauses this evening and introduce further amendments on Report that unite the whole House. They could drop the clauses of the Bill that are so divisive and against the national interest. I hope that, for once, this Government will remove their blinkers and listen.

Paul Scully: It is a pleasure to serve under your chairmanship, Mr Evans, and to conclude this debate. We have heard a number of passionate contributions,

not least from my hon. Friends the Members for St Ives (Derek Thomas), for North West Durham (Mr Holden), for Vale of Clwyd (Dr Davies), for Hitchin and Harpenden (Bim Afolami), for Montgomeryshire (Craig Williams) and for Bromley and Chislehurst (Sir Robert Neill), who were passionate about the Union and the need to ensure that businesses can continue to trade in Scotland, Wales, Northern Ireland and England without interruption.

Before I address the details of the clauses and amendments, let me explain what that means to each of the nations in the UK. About 50% of Northern Ireland’s sales are to Great Britain, and nearly 60% of Scottish and Welsh exports are to the rest of the UK, which is about three times as much as their exports to the whole of the rest of the EU. That is £51.2 billion worth of trade for Scotland, £10.6 billion for Northern Ireland and £30.1 billion for Wales. The Bill secures and clarifies the internal market, which has been the bedrock of our shared prosperity for centuries.

The Bill will establish a market access commitment by enshrining mutual recognition and non-discrimination in law. The principle of mutual recognition is that goods and services from one part of the UK will continue to be recognised across the country, and that ensures that the devolved Administrations will benefit from freedom outside the EU. As the transition period ends, they will gain increased powers to set their own rules and standards across a wide range of policy areas within their competence. At the same time, this provides firm assurances to our businesses, which they have been asking for, that their goods can continue to flow freely throughout the United Kingdom.

Non-discrimination ensures that there is continued equal opportunity for companies to trade in the UK regardless of where in the UK their business is based. Measures in the Bill will also ensure that Northern Ireland qualifying goods benefit from the market access commitment and receive mutual recognition in the rest of the UK. That means that we are going to fulfil our commitment to legislate for unfettered access, as we promised the people and businesses of Northern Ireland.

In addition, the Bill will ensure that the same principles of mutual recognition and non-discrimination continue to apply to services, and it will establish a process for the recognition of professional qualifications across the UK internal market, allowing professionals such as doctors and teachers qualified in any part of the UK nations to continue work in any other part, as all hon. Members would expect.

A couple of canards kept coming up during the debate, including one about teachers. As my hon. Friend the Member for Bromley and Chislehurst pointed out, someone needs to have a qualification in the first place for it to be recognised in another nation of the UK, but it is true that the General Teaching Council for Scotland will continue to regulate teaching in Scotland, as happens at the moment, uninterrupted. This package guarantees a continuation of the centuries-old position that there should be no economic barriers to trading within the UK. Businesses need this—they are asking for this. Citizens need this. That is why it is right that we deliver this Bill.

I turn to the amendments in question today, starting with some of those tabled by the Government. Government amendments 90, 91 and 92 are technical drafting amendments that I hope the House will be able to pass.

[Paul Scully]

Government amendments 5 and 6 are designed to ensure that local sanitary and phytosanitary measures are based on science and are technically justified to prevent barriers to trade arising that go beyond what is necessary to effectively prevent pests and diseases spreading to pest and disease-free areas.

6.15 pm

Government amendment 7 has two elements, covering fertilisers and pesticides respectively. It excludes pesticide authorisations and approvals from mutual recognition. It also excludes from mutual recognition the safeguarding decisions of Administrations in relation to fertiliser. That is necessary to allow each part of the UK to prevent the movement and use of certain fertilisers that may be dangerous, and of pesticides unless they have been assessed as safe and authorised for use in that part of the country, thus allowing for local environments to be considered and protected.

Government amendments 93 to 95 together clarify the way in which goods are defined as produced in a particular part of the UK. Government amendments 97 to 110 are all technical and drafting amendments to add clarity to the Bill, rather than changing any policy direction. This is again the case with Government amendments 111 and 112, which add notaries to the list of exclusions from mutual recognition and non-discrimination in services. Government amendment 96 is minor and technical. The change makes it clear that the ability to practise a profession is the ability to practise the profession as a whole, not just specific activities that may form part of that profession.

Government new clause 12 sets out that the Secretary of State has the power to issue statutory guidance about the market access principles of mutual recognition and non-discrimination, including guidance on enforcement. That will explain how the internal market principles operate within the current regimes and how they apply to the product in scope. This is necessary to support traders and existing regulatory authorities to understand, comply with and benefit from the principles and provisions in this Bill.

Amendment 89, which covers mutual recognition for goods, dictates that each good must meet the highest levels of standard anywhere within the UK for the sale of that good. However, we have designed the internal market regime so that it requires that a good conforms to the regulation where it has been produced or is imported. We as a Government have made the firm commitment to maintaining the UK's high standards across the board, and in many cases we have higher standards than the EU itself requires, including health, food safety and our environmental standards. In many areas, UK standards are some of the highest in the world. These high standards will continue for every part of the UK. Common frameworks are the most productive and consensual way to move that forward, rather than trying to define this in legislative terms.

Amendments 34 and 35, in seeking to attach a requirement to obtain consent from the devolved Administrations, would undermine our ability to avoid trade barriers and provide certainty for firms, going against the core objective of the Bill. Amendments 73, 74 and 76 would bring existing regulations into the scope of mutual recognition. Fundamentally, however,

the internal market Bill's system is about continuity and certainty. We do not want to change the rules that businesses already know and where they have already paid for adjustments, as that would cause disruption.

On amendment 86, there is no doubt that the protection of environmental, social and labour standards is an area we greatly care about across this Chamber. Our standards, as I have said, are among the highest, and we will continue to move ahead of others in this area. However, we believe that it is important to keep the list of legitimate aims tightly defined so as to limit the grounds on which goods from one part of the UK could face discrimination in another, eroding the benefits of the UK internal market. We have already provided for derogations given the fact of threats to human, animal and plant life. Expanding the list of legitimate aims in this way is not appropriate.

Dr Whitford: Does the Minister not accept that trying to improve public health, reduce waste and protect the environment are perfectly good reasons for a derogation?

Paul Scully: As I say, we are trying to keep this narrow so that one part of the UK does not face discrimination in another. We want to make sure that we get the balance right between having the benefits of the UK internal market and having legitimate aims on an environmental basis, on public health or on any number of other areas.

Amendment 36 seeks to alter the process by which the list of legitimate policy aims may be changed in the future. These aims allow for an exemption from the requirement prohibiting indirect discrimination, and that could therefore be cited as necessary for implementing a measure that is indirectly discriminatory. The aims are tightly drawn, but the Government recognise that it is important to retain flexibility for the future—for example, to reflect the experience of the effect of the market access principles in practice and based on business feedback. That is why the power is necessary and we cannot accept the amendment.

Amendment 80 seeks to exclude fisheries in Scotland from the market access principles. It is essential that the Scottish industry is able to maximise the return on its fish by being able to access a diverse range of markets and a wide range of consumers. Scottish fish is sold across the UK. However, this amendment would create new barriers to trade, going against the fundamental purpose of the Bill. The hon. Member for Central Ayrshire (Dr Whitford) talked about procurement. With regard to amendment 87, the Government intend to deliver measures on procurement through a wider package of procurement reform that is being implemented shortly after the Bill. A procurement rules reform Green Paper has been drafted and there will be a formal consultation. The aim is for separate primary legislation to follow.

I turn to new clause 5 and amendment 40. The protection of our environment and maintenance of high food standards are of great importance, and the UK Government are committed to maintaining standards across the UK in all these areas. The intention of the amendments appears to be to prevent Ministers from developing standards that differ from those in the EU, even where UK standards better serve the needs of the UK. On that basis, I urge Members not to move the new clause and the amendment.

I thank the hon. Members for Foyle (Colum Eastwood) and for Belfast South (Claire Hanna) for tabling amendments 81 to 85, as they raise the important issue of the recognition of professional qualifications in the common travel area. However, I must oppose the amendments as set out. This Bill is not the vehicle for honouring our commitments in relation to the common travel area. I can reassure the hon. Members that the UK Government acknowledge that the recognition of professional qualifications is an essential facilitator of the right to work associated with the common travel area. My officials are progressing work in relation to the common travel area so that the UK can continue to meet its commitments.

Amendment 27 seeks to give devolved Ministers the ability to decide which qualifications can be accepted as part of the internal market. By giving devolved Ministers the power to decide which qualifications should benefit from these provisions, we could reduce the number of professionals who can move within the internal market. The alternative recognition process outlined in clause 24 grants the flexibility, and will enable authorities to assess on a case-by-case basis whether a person's existing qualifications and experience are sufficient evidence of the skills required for the profession in question.

I turn to new clause 10 and thank the hon. Member for Brighton, Pavilion (Caroline Lucas), who is no longer in her seat, for her contribution. As I have tried to highlight, the protection of the environment is hugely important and something to which this Government are very committed. However, passing this amendment would not be the best way to protect the environment. We have made sure that there are exemptions from indirect discrimination where the health of animals and plants and humans is concerned. Further to this, the powers in the Environment Bill will mean that future Governments must be open and transparent about the impact of future primary legislation on environmental protections.

Amendment 88 seeks to prevent the Bill from being placed into schedule 4 to the Scotland Act 1998, thus preventing it from being protected from modification or repealed by the Scottish Parliament. If the Bill were to be modifiable by one or more devolved legislatures, it would not be able to provide consumers and businesses with the vital certainty that they currently enjoy. Businesses trading in Scotland would need to consider how the Scottish Parliament may seek to amend or repeal elements of this legislation. That would create disruptive uncertainty, which must be avoided, particularly as we seek to support the UK's economic recovery from the covid-19 pandemic.

I turn to amendments 9 and 39, and new clause 9. We will continue to work closely with the devolved Administrations to understand and respond to their concerns. In accordance with the Sewel convention, the UK Government have requested legislative consent motions for this Bill from all the devolved legislatures. New clause 9 in particular would place intergovernmental structures in statute, limiting the capacity for discussion among all Governments and the capacity to adapt to this change.

New clause 11 seeks to provide Parliament with information on the working of the Act in a context of developing common frameworks. It is essential that the Office for the Internal Market is available and able to

perform its functions at arm's length from political interference from the UK Government and devolved Administrations.

Deidre Brock: Will the Minister give way?

Paul Scully: I must bring my response to a close. The amendment risks undermining the independence of the CMA and its global reputation for producing credible, impartial and expert analysis.

Kevin Hollinrake (Thirsk and Malton) (Con): Will my hon. Friend give way?

Paul Scully: I cannot at the moment, I am afraid. I hope that hon. Members will not press their amendments to a Division, for the reasons that I have given, and that they will support the Government's amendments.

My hon. Friend the Member for Bromley and Chislehurst talked about amendment 66, and I assure him that we will be moving it. I thank him for his work on resolving this issue.

The hon. Member for Poplar and Limehouse (Apsana Begum), who is not in her place, talked about the concerns over the Belfast agreement. The Bill does not interact directly with the Belfast agreement. It does interact clearly with the withdrawal agreement and the Northern Ireland protocol, but it seeks to make the Belfast agreement work in certain given circumstances.

Kevin Hollinrake: Earlier, my hon. Friend mentioned the Sewel convention. Could he set out exactly what influence it has on legislation that is made in Brussels?

Paul Scully: Exactly. As my hon. Friend knows, it has none. Importantly, as we bring back power from the EU to the UK Government, we will work to pass on many, many powers to the devolved legislatures, whether it is the Scottish Parliament, the Welsh Assembly or the Northern Ireland Assembly. They will be getting powers, and we will all work together as the UK to give businesses the continuity that they need with our UK internal market.

The Second Deputy Chairman: I have several pages of amendments and clauses that I will put before the House. At this stage, may I reiterate the Speaker's stricture? I will do this now, and I will do it again before the vote, but people are normally already moving when we do this just before the vote, and nobody is moving at the moment, so I have a captive audience. I therefore use this time to re-emphasise that if Divisions take place on any of the clauses, new clauses or amendments, the Front Benchers can go towards the exit in front of me to vote and use the card readers. Let us hope that they are working this time; they should be. Everybody else, please—calmly and with social distancing—leave through the exit behind me and make your way towards Westminster Hall, where you will do a socially distanced conga towards the Division Lobbies to present your cards to the readers. I hope that that is understood.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clause 2

THE MUTUAL RECOGNITION PRINCIPLE FOR GOODS

Amendments made: 90, page 2, line 6, leave out paragraph (b) and insert—

“(b) can be sold there without contravening any relevant requirements that would apply to their sale,”

The amendment makes a drafting correction to clause 2(1)(b) to cater more clearly for relevant requirements that take the form of a prohibition. The new wording means that the previous reference in parenthesis to a case where there are no relevant requirements is no longer necessary.

Amendment 91, page 2, line 15, leave out from “can” to end of line 17 and insert

“be sold by auction in the originating part without contravening any applicable relevant requirements there”.—(*Michael Tomlinson.*)

The amendment makes clause 2(2) conform to the wording of clause 2(1)(b) as amended by Amendment 90.

Clause 2, as amended, ordered to stand part of the Bill.

Clauses 3 to 10 ordered to stand part of the Bill.

Schedule 1

EXCLUSION FROM MARKET ACCESS PRINCIPLES

Amendments made: 5, page 42, line 5, leave out from “The” to “not” on line 6 and insert

“United Kingdom market access principles do not apply to (and sections 2(3) and 5(3) do”.

This amendment means that measures aimed at preventing the spread of pests or diseases are capable of being excluded from the non-discrimination principle for goods (as well as the mutual recognition principle for goods).

Amendment 6, page 42, line 26, at end insert—

“(6A) In determining whether the fifth condition is met the following consideration is to be taken into account: whether the legislation, taken together with any similar legislation applying in the restricting part, imposes measures of similar severity in response to threats of similar severity arising from the potential movement of the pest or disease into, or within, the restricting part (wherever those threats originate).”

This amendment means that, in assessing whether a measure aimed at preventing the spread of pests or diseases can reasonably be justified as necessary, account will be taken of whether similar threats are addressed with similar severity.

Amendment 7, page 45, line 2, at end insert—

“Fertilisers and pesticides

8A The mutual recognition principle for goods does not apply to (and section 2(3) does not affect the operation of) any of the following—

- (a) a prohibition or condition imposed in accordance with Article 15(1) of Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers, as it forms part of retained EU law;
- (b) regulations under section 74A(1) of the Agriculture Act 1970, to the extent that such regulations can reasonably be justified as a response to a risk to—
 - (i) the health or safety of humans, animals or plants, or
 - (ii) the environment.

8B The mutual recognition principle for goods does not apply to (and section 2(3) does not affect the operation of) any of the following—

- (a) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market (etc), as it forms part of retained EU law;
- (b) the Plant Protection Products Regulations 2011 (S.I. 2011/2131);

- (c) the Plant Protection Products Regulations (Northern Ireland) 2011 (S.R. (N.I.) 2011 No. 295).—(*Michael Tomlinson.*)

This amendment excludes certain measures in relation to fertilisers and pesticides from the operation of the mutual recognition principle for goods.

Schedule 1, as amended, agreed to.

Clauses 12 and 13 ordered to stand part of the Bill.

Clause 14

INTERPRETATION OF OTHER EXPRESSIONS USED IN PART 1

Amendments made: 93, page 8, line 38, after “thing” insert

“(including any packaging or label)”.

The amendment clarifies that “goods” for the purposes of Part 1 includes their packaging and any label attached to them.

Amendment 94, page 8, line 41, leave out

“significant regulated step in their production”

and insert

“significant production step which is a regulated step”.

The amendment, with Amendment 95 clarifies the rule for determining whether goods have been produced in a part of the United Kingdom for the purposes of Part 1.

Amendment 95, page 9, line 1, leave out subsection (4) and insert—

“(4) A production step occurring in a part of the United Kingdom is “regulated” for the purposes of subsection (3) if —

- (a) it is the subject of any statutory requirement in that part of the United Kingdom, or
- (b) it is a step that could materially affect a person’s ability to sell the goods without contravening—
 - (i) any relevant requirement for the purposes of the mutual recognition principle for goods, or
 - (ii) any statutory requirement that is excluded from being a relevant requirement by section 4(1),

that would be applicable to a sale of the goods in that part of the United Kingdom (being a sale of a kind for which the goods are being produced).

(4A) A production step is “significant” for the purposes of subsection (3) if it is significant in terms of the character of the goods being produced and the purposes for which they are to be sold or used (but see subsections (4B) and (4C)).

(4B) A production step falling within any of the following descriptions is not significant (whether or not it is regulated)—

- (a) activities carried out specifically to ensure goods do not deteriorate before being sold (such as maintaining them at or below a particular temperature);
- (b) activities carried out solely for purposes relevant to their presentation for sale (such as cleaning or pressing fabrics or sorting different coloured items for packaging together);
- (c) activities involving a communication of any kind with a regulatory or trade body (such as registering the goods or notifying the goods or anything connected with them or their production);
- (d) activities carried out for the purpose of testing or assessing any characteristic of the goods (such as batch testing a pharmaceutical product).

(4C) A production step involving the packaging, labelling or marking of goods is not significant (whether or not it is regulated) unless the step is fundamental to the character of the goods and the purposes for which they are to be sold or used.”

The amendment explains terms used in clause 14(3) as amended by Amendment 94.

Amendment 92, page 9, line 27, at end insert—

“(10) “Contravening” includes failing to comply.”—(*Michael Tomlinson.*)

This drafting amendment ensures that references to contravening a relevant requirement cover a failure to comply with such a requirement (for example a failure to comply with a condition).

6.30 pm

Clause 14, as amended, ordered to stand part of the Bill.

Clause 15

SERVICES: OVERVIEW

Amendments made: 97, page 9, line 32, after “application” insert “and effect”.

This amendment would ensure the introductory provision in clause 15 properly reflects the effects of clauses 18 and 19.

Amendment 98, page 9, line 42, after “requirements” insert “as defined”.

This amendment is a textual clarification to accommodate the change in Amendment 99.

Amendment 99, page 9, line 42, leave out from “of” to end of line 43 and insert “the mutual recognition principle for goods (see section 3);”.

This amendment would allow provision within the scope of the non-discrimination principle for goods to also fall within the scope of the services provisions.

Amendment 100, page 10, line 1, leave out paragraph (b) and insert—

“(b) provision of the sort described in section 22(1) or 26(1) (professional qualifications and regulation) to the extent it has the effect described there;”.

This amendment would clarify what it means for provision to be within the scope of Part 3.

Amendment 101, page 10, line 4, after “force” insert “, or otherwise has effect,”.

This amendment would clarify how the exception for existing requirements is to apply to requirements not contained in legislation.

Amendment 102, page 10, line 5, after “force” insert “and has not been substantively changed after that day”.

This amendment would clarify how the exception for existing requirements is to apply to requirements not contained in legislation.

Amendment 103, page 10, line 6, after “force” insert “, or otherwise takes effect,”.

This amendment would clarify how the exception for existing requirements is to apply to requirements not contained in legislation.

Amendment 104, page 10, line 7, after “reenacts” insert “or replicates”.

This amendment would clarify how the exception for existing requirements is to apply to requirements not contained in legislation.

Amendment 105, page 10, line 8, after “force” insert “or having effect”.

This amendment would clarify how the exception for existing requirements is to apply requirements not contained in legislation.

Amendment 106, page 10, line 13, leave out from “of” to end of line 14 and insert

“being authorised to provide services in a part of the United Kingdom other than the part in which the requirement applies.”

This amendment would clarify that it is requirements to provide evidence of having been authorised that are excluded from Part 2.

Amendment 107, page 10, line 14, at end insert—

“(5A) Subsection (5)(c) does not exclude (and, accordingly, references to authorisation requirements do include) an authorisation requirement that applies in a part of the United Kingdom if, after the relevant day, a corresponding authorisation requirement in another part of the United Kingdom is substantively changed.

(5B) For the purposes of subsection (5A)—

(a) an authorisation requirement corresponds to another authorisation requirement if it relates to the same, or substantially the same, services;

(b) an authorisation requirement is substantively changed if, for example, the circumstances in which permission may be granted are changed;

(c) the “relevant day” is the day before the day on which this section comes into force.”—(*Michael Tomlinson.*)

This amendment would bring a requirement into the scope of Part 2 if a corresponding requirement in another part of the UK was substantively changed after the section comes into force.

Clause 15, as amended, ordered to stand part of the Bill.

Clause 16

SERVICES: EXCLUSIONS

Amendment made: 108, page 11, line 1, leave out “Part” and insert “section”.—(*Michael Tomlinson.*)

This amendment would mean that the time limit will be counted from the day the section comes into force.

Clause 16, as amended, ordered to stand part of the Bill.

Schedule 2

SERVICES EXCLUSIONS

Amendments made: 112, page 48, line 24, at end insert—

“Notarial services”

This amendment would list notarial services as an exception to services non-discrimination.

Amendment 111, page 46, line 27, at end insert—

“Notarial services”

—(*Michael Tomlinson.*)
This amendment would list notarial services as an exception to services mutual regulation.

Schedule 2, as amended, agreed to.

Clauses 17 to 19 ordered to stand part of the Bill.

Clause 20 disagreed to.

Clause 21

INTERPRETATION OF PART 2

Amendments made: 109, page 13, line 23, leave out from ““regulator”” to end of line 25 and insert

“means a person exercising regulatory functions, and includes—

(a) a Minister of the Crown,

(b) the Scottish Ministers,

(c) the Welsh Ministers, and

(d) a Northern Ireland department;”

This amendment is consequential on the omission of clause 20 - it replicates subsections (1) and (2) of that clause, leaving subsections (3) and (4) to be omitted.

Amendment 110, page 13, line 26, at end insert—

“(2) Any effect of sections 5, 18 or 19 (direct and indirect discrimination for goods and services) is to be disregarded when considering whether a person is authorised to provide services in

another part of the United Kingdom for the purposes of section 17 (mutual recognition for services).”—(*Michael Tomlinson.*)

This amendment would ensure that a service provider may rely on an authorisation based on discriminatory requirements when demonstrating existing authorisations for mutual recognition.

Clause 21, as amended, ordered to stand part of the Bill.

Clauses 22 to 26 ordered to stand part of the Bill.

Clause 27

INTERPRETATION OF PART 3

Amendment made: 96, page 19, line 2, leave out “all or any”.—(*Michael Tomlinson.*)

This amendment ensures that registration or licensing requirements that relate only to a specific professional or occupational activity, rather than to activities that (as a whole) comprise the practice of a profession or occupation, do not fall within clause 22.

Clause 27, as amended, ordered to stand part of the Bill.

New Clause 12

GUIDANCE RELATING TO PART 1

“(1) The Secretary of State may issue guidance on any matter relating to—

- (a) the practical operation of the United Kingdom market access principles, or
- (b) the effect of any provision of this Part.

(2) Guidance may be directed towards the public generally or towards any description of persons (such as traders, persons with enforcement functions or a class of such traders or persons).

(3) In subsection (2) ‘enforcement function’ means a function relating to the enforcement of anything which is (or is capable of being) a relevant requirement for the purposes of either of the market access principles for goods.

(4) The power of the Secretary of State under subsection (1) includes power to revise or withdraw (in whole or part) any guidance previously issued.

(5) The Secretary of State must arrange for the publication of—

- (a) any guidance that has been issued, as revised from time to time;
- (b) any revisions made under subsection (4);
- (c) notice of the withdrawal of any guidance under subsection (4).

(6) In this section ‘guidance’ means guidance under subsection (1).”—(*Michael Tomlinson.*)

The new clause confers a statutory power on the Secretary of State to issue and publish guidance in relation to Part 1 of the Bill.

Brought up, read the First and Second time, and added to the Bill.

Clauses 48, 49 and 51 to 53 ordered to stand part of the Bill.

Clause 54

EXTENT, COMMENCEMENT AND SHORT TITLE

Amendment proposed: 9, in page 41, line 25, leave out subsections (3) and (4) and insert—

“(2A) The other provisions of this Act may not come into force (and in particular no additions may be made to Part 2 of Schedule 7A to the Government of Wales Act 2006 (specific reservations), Part 2 of Schedule 5 to the Scotland Act 1998 (specific reservations) or Schedule 2 to the Northern Ireland Act 1998 (excepted matters)) until the Prime Minister is satisfied that

resolutions have been passed in Senedd Cymru, the Scottish Parliament and the Northern Ireland Assembly in favour of those provisions coming into force.”—(*Liz Saville Roberts.*)

This amendment would ensure that no additional powers are reserved to Westminster through this Bill unless the devolved legislatures of Wales, Scotland and Northern Ireland give their consent.

Question put, That the amendment be made.

The Committee divided: Ayes 63, Noes 350.

Division No. 104]

[6.38 pm

AYES

Bardell, Hannah
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Bonnar, Steven
Brock, Deidre
Brown, Alan
Callaghan, Amy
Cameron, Dr Lisa
Carmichael, rh Mr Alistair
Chamberlain, Wendy
Chapman, Douglas
Cherry, Joanna
Cooper, Daisy
Cowan, Ronnie
Crawley, Angela
Davey, rh Ed
Day, Martyn
Docherty-Hughes, Martin
Doogan, Dave
Dorans, Allan
Eastwood, Colum
Edwards, Jonathan
Farron, Tim
Farry, Stephen
Fellows, Marion
Ferrier, Margaret
Flynn, Stephen
Gibson, Patricia
Grady, Patrick
Grant, Peter
Gray, Neil
Hanna, Claire
Hanvey, Neale

Hendry, Drew
Hosie, Stewart
Jardine, Christine
Lake, Ben
Law, Chris
Linden, David
Lucas, Caroline
MacAskill, Kenny
MacNeil, Angus Brendan
Mc Nally, John
McDonald, Stewart Malcolm
McDonald, Stuart C.
McLaughlin, Anne
Monaghan, Carol
Newlands, Gavin
Nicolson, John
Olney, Sarah
Oswald, Kirsten
Saville Roberts, rh Liz
Sheppard, Tommy
Smith, Alyn
Stephens, Chris
Stone, Jamie
Thewliss, Alison
Thomson, Richard
Whitford, Dr Philippa
Williams, Hywel
Wilson, Munira
Wishart, Pete

Tellers for the Ayes:
Brendan O’Hara and
Owen Thompson

NOES

Adams, Nigel
Afolami, Bim
Afrjyie, 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, Gareth
Bacon, Mr Richard
Badenoch, Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve

Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
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
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Brokenshire, rh James

Browne, Anthony	Foster, Kevin	Kawczynski, Daniel	Penrose, John
Bruce, Fiona	Francois, rh Mr Mark	Kearns, Alicia	Percy, Andrew
Buchan, Felicity	Frazer, Lucy	Keegan, Gillian	Philp, Chris
Buckland, rh Robert	Freeman, George	Knight, rh Sir Greg	Pincher, rh Christopher
Burghart, Alex	Freer, Mike	Knight, Julian	Poulter, Dr Dan
Burns, rh Conor	Fuller, Richard	Kruger, Danny	Pow, Rebecca
Butler, Rob	Fysh, Mr Marcus	Kwarteng, rh Kwasi	Prentis, Victoria
Cairns, rh Alun	Garnier, Mark	Lamont, John	Pritchard, Mark
Campbell, Mr Gregory	Ghani, Ms Nusrat	Largan, Robert	Pursglove, Tom
Carter, Andy	Gibb, rh Nick	Latham, Mrs Pauline	Quin, Jeremy
Cartlidge, James	Gibson, Peter	Leadsom, rh Andrea	Quince, Will
Cash, Sir William	Gideon, Jo	Leigh, rh Sir Edward	Randall, Tom
Cates, Miriam	Gillan, rh Dame Cheryl	Levy, Ian	Redwood, rh John
Caulfield, Maria	Girvan, Paul	Lewer, Andrew	Rees-Mogg, rh Mr Jacob
Chalk, Alex	Glen, John	Lewis, rh Brandon	Richards, Nicola
Chishti, Rehman	Goodwill, rh Mr Robert	Lewis, rh Dr Julian	Richardson, Angela
Chope, Sir Christopher	Gove, rh Michael	Liddell-Grainger, Mr Ian	Roberts, Rob
Churchill, Jo	Graham, Richard	Lockhart, Carla	Robertson, Mr Laurence
Clark, rh Greg	Grant, Mrs Helen	Loder, Chris	Robinson, Gavin
Clarke, Mr Simon	Grayling, rh Chris	Logan, Mark	Robinson, Mary
Clarke, Theo	Green, Chris	Longhi, Marco	Rosindell, Andrew
Clarke-Smith, Brendan	Green, rh Damian	Lopez, Julia	Ross, Douglas
Clarkson, Chris	Griffith, Andrew	Lopresti, Jack	Rowley, Lee
Cleverly, rh James	Griffiths, Kate	Lord, Mr Jonathan	Russell, Dean
Clifton-Brown, Sir Geoffrey	Grundy, James	Loughton, Tim	Rutley, David
Coffey, rh Dr Thérèse	Gullis, Jonathan	Mackinlay, Craig	Sambrook, Gary
Colburn, Elliot	Halfon, rh Robert	Mackrory, Cherylyn	Saxby, Selaine
Collins, Damian	Hall, Luke	Maclean, Rachel	Scully, Paul
Costa, Alberto	Hammond, Stephen	Mak, Alan	Seely, Bob
Courts, Robert	Hancock, rh Matt	Malthouse, Kit	Selous, Andrew
Coutinho, Claire	Hands, rh Greg	Mangnall, Anthony	Shannon, Jim
Crabb, rh Stephen	Harper, rh Mr Mark	Mann, Scott	Shapps, rh Grant
Crosbie, Virginia	Harris, Rebecca	Marson, Julie	Sharma, rh Alok
Crouch, Tracey	Harrison, Trudy	Mayhew, Jerome	Shelbrooke, rh Alec
Daly, James	Hart, Sally-Ann	Maynard, Paul	Simmonds, David
Davies, David T. C.	Hart, rh Simon	McCartney, Jason	Skidmore, rh Chris
Davies, Gareth	Hayes, rh Sir John	McCartney, Karl	Smith, Chloe
Davies, Dr James	Heald, rh Sir Oliver	McPartland, Stephen	Smith, Greg
Davies, Mims	Heapey, James	Menzies, Mark	Smith, Henry
Davis, rh Mr David	Heaton-Harris, Chris	Mercer, Johnny	Smith, Royston
Davidson, Dehenna	Henderson, Gordon	Merriman, Huw	Solloway, Amanda
Dinenage, Caroline	Henry, Darren	Metcalfe, Stephen	Spencer, Dr Ben
Dines, Miss Sarah	Higginbotham, Antony	Millar, Robin	Spencer, rh Mark
Djanogly, Mr Jonathan	Hinds, rh Damian	Miller, rh Mrs Maria	Stafford, Alexander
Donaldson, rh Sir Jeffrey M.	Hoare, Simon	Milling, rh Amanda	Stephenson, Andrew
Donelan, Michelle	Holden, Mr Richard	Mills, Nigel	Stevenson, Jane
Dorries, Ms Nadine	Hollinrake, Kevin	Mitchell, rh Mr Andrew	Stevenson, John
Double, Steve	Hollobone, Mr Philip	Mohindra, Mr Gagan	Stewart, Bob
Dowden, rh Oliver	Holloway, Adam	Moore, Damien	Stewart, Iain
Doyle-Price, Jackie	Holmes, Paul	Moore, Robbie	Stride, rh Mel
Drax, Richard	Howell, John	Mordaunt, rh Penny	Stuart, Graham
Drummond, Mrs Flick	Howell, Paul	Morris, Anne Marie	Sturdy, Julian
Duddridge, James	Huddleston, Nigel	Morris, David	Sunderland, James
Duguid, David	Hudson, Dr Neil	Morris, James	Swayne, rh Sir Desmond
Duncan Smith, rh Sir Iain	Hughes, Eddie	Morrissey, Joy	Syms, Sir Robert
Dunne, rh Philip	Hunt, Jane	Morton, Wendy	Thomas, Derek
Eastwood, Mark	Hunt, rh Jeremy	Mullan, Dr Kieran	Timpson, Edward
Edwards, Ruth	Hunt, Tom	Mumby-Croft, Holly	Tolhurst, Kelly
Ellis, rh Michael	Javid, rh Sajid	Mundell, rh David	Tomlinson, Justin
Ellwood, rh Mr Tobias	Jayawardena, Mr Ranil	Murray, Mrs Sheryll	Tomlinson, Michael
Elphicke, Mrs Natalie	Jenkin, Sir Bernard	Murrison, rh Dr Andrew	Trevelyan, rh Anne-Marie
Eustice, rh George	Jenkinson, Mark	Neill, Sir Robert	Trott, Laura
Evans, Dr Luke	Jenkyns, Andrea	Nici, Lia	Truss, rh Elizabeth
Evennett, rh Sir David	Jenrick, rh Robert	Nokes, rh Caroline	Tugendhat, Tom
Everitt, Ben	Johnson, Dr Caroline	Norman, rh Jesse	Vara, Mr Shailesh
Fabricant, Michael	Johnson, Gareth	O'Brien, Neil	Vickers, Martin
Farris, Laura	Johnston, David	Offord, Dr Matthew	Vickers, Matt
Fell, Simon	Jones, Andrew	Opperman, Guy	Villiers, rh Theresa
Fletcher, Katherine	Jones, rh Mr David	Paisley, Ian	Wakeford, Christian
Fletcher, Mark	Jones, Fay	Parish, Neil	Walker, Mr Robin
Fletcher, Nick	Jones, Mr Marcus	Paterson, rh Mr Owen	Wallace, rh Mr Ben
Ford, Vicky	Jupp, Simon	Pawsey, Mark	Warburton, David

Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, Mr John
 Wiggin, Bill
 Wild, James
 Williams, Craig

Williamson, Mr Gavin
 Wilson, Mr Sammy
 Wood, Mike
 Wragg, Mr William
 Wright, Mr Jeremy
 Young, Jacob
 Zahawi, Nadhim

Tellers for the Noes:
Maggie Throup and
Leo Docherty

Question accordingly negated.

The list of Members currently certified as eligible for a proxy vote, and of the Members nominated as their proxy, is published at the end of today's debates.

Amendment made: 66, in clause 54, page 41, line 26, at end insert—

‘(3A) A statutory instrument containing regulations under subsection (3) may not appoint a day for the commencement of section 42, 43 or 45 unless—

- (a) a Minister of the Crown has moved a motion in the House of Commons to the effect that sections 42, 43 and 45 may be commenced on or after a day specified in the motion (“the specified day”),
- (b) the motion has been approved by a resolution of that House,
- (c) a motion to the effect that the House of Lords takes note of the specified day (or the day which is proposed to be the specified day) has been tabled in the House of Lords by a Minister of the Crown, and
- (d) the day appointed by the regulations is the same as or is after the specified day.’—(*Michael Tomlinson.*)

This amendment would provide that clauses 42, 43 and 45 could only be commenced on or after a day approved by the House of Commons and referred to in a motion tabled in the House of Lords.

Clause 54, as amended, ordered to stand part of the Bill.

The Deputy Speaker resumed the Chair.

Bill, as amended, reported.

Bill to be considered tomorrow.

Mr Deputy Speaker (Mr Nigel Evans): Amendments and new clauses to be moved on Report may now be tabled. Members should table them through the Public Bill Office inbox: PBOHoC@parliament.uk.

Sir Desmond Swayne (New Forest West) (Con): On a point of order, Mr Deputy Speaker. Some of the orders that we are about to deal with are quite dated, but I assume that they have been debated in a Committee upstairs. They touch on very intimate parts of our liberty and our choice. Is there any protocol on the circumstances in which they could be debated on the Floor of the House, rather than upstairs in a Committee stitched up by the Committee of Selection?

Mr Deputy Speaker: The default procedures of the House, as the right hon. Member knows, are designed such that these measures are not debated on the Floor of the House. Of course, any Committee stages upstairs could have been attended. If any of these measures do not quite fit with his understanding as to what is acceptable, he is able to shout “Object”. I will take that objection, and he will have the opportunity to have his name recorded in a deferred Division tomorrow.

Sir Christopher Chope (Christchurch) (Con): Further to that point of order, Mr Deputy Speaker. I want to raise the issue of the inconsistency between quite a few of these remaining orders. Because of the delay in introducing these orders, some of them amend orders that are earlier on the Order Paper. We know that members of the public find it increasingly difficult to comprehend the changing scene of regulation on criminality and restriction of liberty. Surely if a regulation is amended by a subsequent statutory instrument, there should not be a need for the original statutory instrument to be approved by the House. For example, there are two separate statutory instruments relating to the north of England, one dated 25 August and one dated 2 September, and they are inconsistent with each other. Can you explain the reason for this confusion? Would it not be much better if—as I thought the Government had already promised—every regulation brought forward was debated at the earliest opportunity, before the Government had a chance to change their mind?

Mr Deputy Speaker: Sir Christopher, you have made your point very well, and my advice is the same as I gave to Sir Desmond: if there are any of these orders that you are opposed to, please feel free to shout “Object”, and I will take the objection and there will be a deferred Division tomorrow. I have absolutely no doubt whatever that in this very fast moving situation that we find ourselves in—we had a statement today—there will be other statements made in this House over the coming days, weeks and months that will give opportunities for Members to question Ministers, Secretaries of State and, indeed, the Prime Minister, as they had the opportunity to do today. I have no hesitation about that happening whatever. I will put the motions on public health now, and then, as I say, I will take any deferred Divisions and objections.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020 (S.I., 2020, No. 822), dated 31 July 2020, a copy of which was laid before this House on 31 July, be approved.—(*Michael Tomlinson.*)

Question agreed to.

Mr Deputy Speaker (Mr Nigel Evans): With the leave of the House, I will take motions 5 to 18 together. Is there an objection to that?

Hon. Members: Object.

Mr Deputy Speaker: May I take motion 5 on its own, motion 6 on its own and then motions 7 to 18 together?

Sir Desmond Swayne: We can take motions 5, 6 and 8 on their own.

Mr Deputy Speaker: Okay, we will take motions 5, 6—7, as well—and 8 on their own, and then we will take motions 9 to 18 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020 (S.I., 2020, No. 828), dated 4 August 2020, a copy of which was laid before this House on 4 August, be approved.—(*Michael Tomlinson.*)

Mr Deputy Speaker: Now is the time to shout, “Object”, if Members have an objection.

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) (Amendment) Regulations 2020 (S.I., 2020, No. 839), dated 6 August 2020, a copy of which was laid before this House on 7 August, be approved.—(*Michael Tomlinson.*)

The Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 23 September (Standing Order No. 41A).

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) (Amendment) Regulations 2020 (S.I., 2020, No. 846), dated 7 August 2020, a copy of which was laid before this House on 10 August, be approved.—(*Michael Tomlinson.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 3) Regulations 2020 (S.I., 2020, No. 863), dated 14 August 2020, a copy of which was laid before this House on 14 August, be approved.—(*Michael Tomlinson.*)

The Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 23 September (Standing Order No. 41A).

Mr Deputy Speaker: Can we now take motions 9 to 18 together?

Hon. Members: Object.

Mr Deputy Speaker: You object to them all being taken together.

Sir Desmond Swayne: Can we have motions 11 and 15 separately?

Mr Deputy Speaker: I tell you what: let us do them all separately, and I think everyone will be pleased and it will be more orderly.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) (Amendment) (No. 2) Regulations 2020 (S.I., 2020, No. 865), dated 14 August 2020, a copy of which was laid before this House on 14 August, be approved.—(*Michael Tomlinson.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) (Amendment) Regulations 2020 (S.I., 2020, No. 875), dated 18 August 2020, a copy of which was laid before this House on 18 August, be approved.—(*Michael Tomlinson.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) (Amendment) (No. 2) Regulations 2020 (S.I., 2020, No. 882), dated 20 August 2020, a copy of which was laid before this House on 21 August, be approved.—(*Michael Tomlinson.*)

The Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 23 September (Standing Order No. 41A).

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions) (North of England) (Amendment) Regulations 2020 (S.I., 2020, No. 897), dated 25 August 2020, a copy of which was laid before this House on 25 August, be approved.—(*Michael Tomlinson.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) (Amendment) Regulations 2020 (S.I., 2020, No. 898), dated 25 August 2020, a copy of which was laid before this House on 25 August, be approved.—(*Michael Tomlinson.*)

The Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 23 September (Standing Order No. 41A).

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place and on Public Transport) (England) (Amendment) Regulations 2020 (S.I., 2020, No. 906), dated 26 August 2020, a copy of which was laid before this House on 27 August, be approved.—(*Michael Tomlinson.*)

The Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 23 September (Standing Order No. 41A).

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus) (Restrictions on Holding of Gatherings and Amendment) (England) Regulations 2020 (S.I., 2020, No. 907), dated 26 August 2020, a copy of which was laid before this House on 27 August, be approved.—(*Michael Tomlinson.*)

The Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 23 September (Standing Order No. 41A).

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions) (Greencore) Regulations 2020 (S.I., 2020, No. 921), dated 28 August 2020, a copy of which was laid before this House on 1 September, be approved.—(*Michael Tomlinson.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) (Amendment) (No. 2) Regulations 2020 (S.I., 2020, No. 930), dated 2 September 2020, a copy of which was laid before this House on 2 September, be approved.—(*Michael Tomlinson.*)

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 23 September (Standing Order No. 41A). Motion made, and Question put forthwith (Standing Order No. 118(6)),

PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions) (North of England) (Amendment) (No. 2) Regulations (S.I., 2020, No. 931), dated 2 September 2020, a copy of which was laid before this House on 2 September, be approved.—(*Michael Tomlinson.*)

Question agreed to.

REGULATORY REFORM

Motion made, and Question put forthwith (Standing Order No. 18(1)),

That the draft Legislative Reform (Renewal of Radio Licences) Order 2020, which was laid before this House on 2 July, be approved.—(*Michael Tomlinson.*)

Question agreed to.

Grassroots Arts and Culture: Luton

Motion made, and Question proposed, That this House do now adjourn.—(Michael Tomlinson.)

Mr Deputy Speaker (Mr Nigel Evans): The Question—if there is no objection—is that the House do now adjourn.

7.11 pm

Rachel Hopkins (Luton South) (Lab): It is a huge privilege to have my first Adjournment debate on grassroots arts and culture in Luton—my patch and that of my hon. Friend the Member for Luton North (Sarah Owen). Luton has a long history of being a creative town, particularly since the 1800s, when we had a thriving straw plaiting and hat making trade. The wonderful Wardown House Museum and Gallery in Luton South has the most complete headwear and hat industry collection in the world, showcasing industry objects and paper archives relating to the English hat industry. At this stage, it would be remiss of me not to mention and thank the fantastic Museum Makers, a wonderful bunch of volunteers committed to supporting our museum in innovative ways.

Luton is a global town, where more than 130 different languages are spoken. Our super diversity has enabled a wide range of creative opportunities to flourish, which has an amazing impact on people's day-to-day lives, from food to fashion, from dance to design. Participation in grassroots and community arts activity has played an important role in developing community cohesion, building social capital and enabling local people to lead happy, healthy and prosperous lives.

The importance of the arts should not be understated; when we are not at work, we all, in one way or another, spend our free time consuming art in all its forms. Whether it is TV, radio, magazines, music, art, online content—all of that has been created by people working in the arts and cultural sector. A recent Creative Industries Federation report states that, before the coronavirus pandemic and the attached health restrictions, the creative sector was growing at five times the rate of the wider economy, employing more than 2 million people and contributing £111 billion to the economy—more than the aerospace, automotive, life sciences and oil and gas industries combined.

The Luton arts and culture strategy group, made up of representatives from six of Luton's key cultural organisations—Luton Borough Council, Revoluton Arts, Tangled Feet, the Culture Trust Luton, the UK Centre for Carnival Arts and the University of Bedfordshire— informs me that the creative industries in Luton contributed £36 million to the local economy in 2018, and leveraged an additional £3.2 million in inward investment in 2019. Luton's cultural strategy has worked hard to embed arts and the creative sector at the heart of the sustainable transformation of our town, building shared growth through an inclusive local economy, developing skills and jobs and shaping town centre regeneration.

Last year saw Luton's pilot year of culture, "People Power Passion", a modern and exciting cultural programme that explored a key historical moment in Luton: the 1919 Peace Day riots, when local people burnt down the town hall in protest at being excluded by the bigwigs running the council after the first world war. We explored that through fantastic arts and cultural events, and

while it was inspiring and enjoyable, the investment in this cultural programme, with diverse participants and audiences reflecting the whole of our community, importantly employed 84 artists, trained 13 young people from diverse backgrounds, worked with 400 local participants and engaged 138 volunteers. This participation of our community in large-scale outdoor cultural events builds on our spectacular one-day international carnival, our excellent mela and our vibrant St Patrick's Day festival. Again, it is at this grassroots level that we see such fantastic work by local creatives, supported so well by local volunteers and charities.

Sarah Owen (Luton North) (Lab): I thank my hon. Friend for bringing this important debate to the House. As well as volunteer organisations, Luton has fantastic events businesses, such as Creative8, which I visited last week. The events industry is vital not just for jobs but for our culture and our economy. Does she agree that, in order to protect all of that, it is vital that it gets specific support during this pandemic?

Rachel Hopkins: I thank my hon. Friend for making such a superb point. I absolutely agree that such businesses are vital to our creative and cultural sector and that they need that specific support. I may mention that later in my speech.

Luton's most famous public artwork, "Beacon", by Turner Prize-winning, Luton-born Mark Titchner, is a mural that shines out from the side of Luton's Hat Factory arts centre, and has a simple message that inspires many of us, including budding artists:

"If you can dream it, you must do it."

However, these dreams are at huge risk of being completely lost, as the global coronavirus pandemic has forced grassroots artists and local arts organisations, such as Next Generation youth theatre, to the brink of devastation. The arts sector was the first to close and will be one of the last to reopen, and this is leaving local creative businesses and freelancers fighting for their future. I am, therefore, deeply concerned that the Government's response to the crisis fails to recognise the importance of grassroots arts and culture. Although the Government's £1.57 billion covid-19 arts package is welcome, it is targeted at buildings and institutions, which means that it will fail to reach grassroots precarious workers, freelancers and self-employed entrepreneurs.

The Creative Industries Federation report projects that 122,000 permanent creative workers will be made redundant this year, including 42,000 jobs in the east of England, with the impact being felt twice as hard by freelancers, as 287,000 roles are expected to be terminated in the UK in 2020. The premature decision to end the job retention scheme before the sector has returned to pre-pandemic levels will fail to prevent rising unemployment. This will hamper both the economic recovery and the survival of the sector.

I have been in close contact with the grassroots Luton Creative Forum about the impact of the crisis. Its members tell me that they are fearful for the survival of the arts organisations, as many of them are accruing large debts with no indication of when they will be able to reopen. Pay-as-you-earn freelancers, the newly self-employed and those with less than 50% of their income through self-employment are all suffering, too, as they are excluded from Government support schemes.

My constituent Dan is one of those people excluded from support. Dan is an arts worker who earns a percentage of his income through PAYE and the remainder through self-employment. As Dan is married and his husband was furloughed, he has been unable to access Government support. This has left their joint income at below the minimum wage for one individual. This is a disgrace. With the continued impact of covid and venues not being able to reopen—we heard more about that today—and performances such as the usual Christmas pantomimes having to be cancelled, many partially self-employed workers like Dan, who rely on freelancing to top up their PAYE income, will be forced to take on more debt without targeted Government support.

Luton's Next Generation youth theatre submitted an application to the Department for Digital, Culture, Media and Sport recovery fund. It is great that it has been able to apply, but NGYT is the only organisation in Luton eligible to apply because of the restrictions on the fund, and it has yet to hear whether it has been successful.

The Government's policies and the recovery fund are failing to meet the needs of grassroots organisations, and if these organisations fail, it will have a hugely damaging impact on the social value provided by the sector in Luton. I urge the Government to be more forward looking and to recognise the long-term social capital that can be provided by the grassroots arts sector.

We also know that the attainment gap between disadvantaged pupils and their peers will have widened owing to the pandemic. Across the country we have heard of some home-schooling difficulties and many families facing digital exclusion. In Luton, this is terrifying because 46% of children live in poverty, according to End Child Poverty.

The creative industries provide the Government with a vehicle to build back better. Research by the Cultural Learning Alliance shows that participation in structured arts activities can increase cognitive abilities by 17%, students from low-income families who take part in arts activities at school are three times more likely to get a degree, and learning through arts and culture can improve attainment in maths and English and develop skills and behaviour that lead children to do better in school.

I urge the Government to consider innovative ways to make up for the educational impact of coronavirus through the benefits of supporting pupils to engage in grassroots arts and culture, building on the work of Luton Cultural Education Partnership, for example. A building back better agenda must recognise the diversity of our grassroots artists. Luton is proud of our community's diversity, and by creating opportunities to address inequalities among the working class, black, Asian, non-white and ethnic minority communities, we have advanced community cohesion.

However, I am concerned that the Government's economic schemes may perpetuate inequalities, as those from the most disadvantaged backgrounds are likely to suffer more, meaning they are less able to remain in the industry. The Government must make a concerted effort to create pathways for people from working-class, black, Asian, non-white and ethnic minority communities to rise to positions of leadership in arts and culture.

It is therefore disappointing that among the 10 members of the Government's cultural renewal taskforce, only three are women, two are non-white British and none

[Rachel Hopkins]

are independent artists. As the latest Creative Industries Policy and Evidence Centre report shows, those from privileged backgrounds are more than twice as likely to land a job in a creative occupation. They therefore dominate key decision-making roles in the sector and influence what appears on stage, page and screen.

Young people in Luton, just setting out on their career in the arts, need to see role models that look like them so that they can remain ambitious for their futures and feel confident that they can succeed. We sow the seeds of tomorrow today. What does that mean for the next generation? We are influenced and inspired by those we see in our community.

A number of brilliant creatives have come from Luton, whether it is the musician Paul Young, the actor Colin Salmon of James Bond fame, our national treasure and “Bake Off” winner Nadiya Hussain, or my good friend who sadly passed away a few years ago, Steve Dillon, or New Bloke, known internationally for his superb comic book drawing such as in “The Punisher” and “Preacher”—and I could go on. Not only have those people done much for art and culture; they have shown working-class young people from Luton that they can aspire to a creative career. However, we need to protect grassroots arts support and organisations to give our young people the opportunity to develop their craft and reach the same heights.

If the Government fail to protect the arts sector, not only will there be a short-term contraction of the sector, as actors, singers, artists and writers are forced into other work to survive, but it will have a long-term impact on the skills the sector needs to thrive, and a negative impact on our economic recovery and the renewal of our high streets. The Government have a choice: to empower people and their local community through grassroots arts and culture, or allow rising unemployment and debt and the devastation of a sector that everyone enjoys. To me, the people of Luton South and people across our town and the UK, the choice seems pretty simple.

7.23 pm

The Minister for Digital and Culture (Caroline Dinage):

I congratulate the hon. Member for Luton South (Rachel Hopkins) on introducing her first debate, which she did quite splendidly. This is a very important issue, and I think we are very much in agreement. Our cultural and creative sectors are one of the UK’s greatest success stories, one of our best calling cards and one of those things that really promote the levelling-up agenda. We also agree about the vital role that grassroots arts and culture play in binding local communities together. She is clearly a great champion for the arts in her area and she has really brought it to life this evening, as I am sure other Members will agree.

We know that Luton is a great example of how the power of art can bring communities together. That was incredibly apparent in the spectacular “People Power Passion” celebrations that lasted for two days last July. I very much appreciate her sharing with me the video of that wonderful event in her constituency. As she said, it was really dynamic and brought together people from different age groups and backgrounds not only among the performers, but in the audience. It was a really inspiring event and one that Luton should be super-proud of. Of

course I also recognise the devastating impact that covid-19 has had right across our arts and culture, particularly on our grassroots venues that were forced to close in March. It has had a significant impact on businesses, staff, performers and all the many others who make these places such a wonderful part of our success story.

The Government have provided unprecedented support to the arts and culture sectors in response to the crisis and its impact on businesses and individuals. At the very beginning, Arts Council England very quickly delivered an emergency response package of £160 million of Government funding. I am sure that the hon. Lady will be aware of the many organisations and individuals working in Luton that have benefited from that emergency funding. Those include the brilliant Khayaal Theatre Company, which, as she knows, is a multi-award-winning drama education company, and Little Red Creative Studios, which is a centre for arts with a strong focus on community and accessibility, which I think we would all agree is super-important.

It is our real, sincere hope that this funding has provided a solid source of support at this incredibly challenging time and helped to preserve the creative ecology of the hon. Lady’s area, which she described so brilliantly. Of course, she mentioned—and the House will be aware of it—the £1.57 billion culture recovery fund. We are really clear that we expect the cultural sectors to represent our diverse society in their artistic talent, their workforce and their audiences. As with all Arts Council funding, the culture recovery fund will require all organisations in receipt of funds to demonstrate progress on things such as diversity and outreach over the coming years in return for our investment in their futures. To that end, they will be required to participate in a post-programme evaluation.

So far, grassroots music venues across England have been the first recipients of this funding, and the £3.36 million emergency grassroots music venues fund has been shared among 135 venues across England that applied for support. Those were places that were at imminent risk of collapse as a result of covid. I know that the hon. Lady will be delighted that the Bear Club and the Dallow Centre in Luton have been awarded funding through that scheme. They are much-loved cultural venues that are vital to the local cultural ecosystem, and I hope that will go some way towards helping them to weather the storm and continue to offer exciting and diverse programmes to the city.

The hon. Lady is absolutely right that grassroots venues play such an important role in building many successful careers, bringing enjoyment to audiences of all ages and supporting local economies right up and down the country. We know that this is an incredibly challenging time and that many cultural organisations and individuals currently face significant difficulty and uncertainty.

I have met virtually weekly since February, at roundtables, representatives from right across the arts and culture sectors that I represent. I have met people from up and down the country—from all corners—on a very regular basis, just so that I can fully understand and fully get inside the pressures that they are facing. My team in DCMS has been working incredibly hard to try to find solutions that will support this vital sector going forward—ways to try to reopen venues that remain closed and

to allow grassroots groups to begin again, obviously all the while maintaining social distancing, as we all need to.

The substantial Government funding package, which, as the hon. Lady knows, represents the largest ever investment in our culture and arts, will be used right across England to help support the performing arts, theatres, museums, heritage, galleries, independent cinemas and live music venues. The Arts Council has been chosen to administer that because it has the expertise to do it and to ensure that we are supporting individuals and venues at this challenging time.

Of course, this is about individuals. It is not just about buildings; it is about the people who bring these places to life. A big priority has been to try to resume cultural activity, albeit in a distanced way, because we know that, more than anything, our brilliant freelancers and individuals want to get back to work and do what they do best. However, we also know that, for some, that has not been possible, so, complementing this funding package, Arts Council England has announced £95 million of additional support for individuals, including freelancers. There will be a further round of its programme Developing your Creative Practice this autumn, which makes approximately £18 million available for individuals who want to develop new creative skills. It is also adding an extra £2 million to the relevant benevolent funds that have been set up across various sectors to support those who are less well supported by these programmes, such as stage managers and technicians.

Arts Council England is our national development agency for creativity and it has a strategic vision for the next 10 years, which I think the hon. Lady will appreciate. It is called Let's Create and sets out that by 2030, England will be a country in which the creativity of each of us is valued and given the chance to flourish,

and where everyone has access to a range of quality cultural experiences. With that in mind, it currently funds over 800 organisations right across the country as part of its national portfolio. That includes grassroots organisations and those that work to engage local communities. There are two in Luton, for example. There is the Culture Trust, supported for its work at the historical Wardown House, with the special exhibitions and the programme of arts that are local community-focused, and then, of course, there is the Luton carnival, which she mentioned. Alongside Arts Council funding, that is also backed by the local council and the UK Centre for Carnival Arts. I know that that is a hugely anticipated annual event, and it was very disappointing that May's carnival was cancelled, but I am sure that it will come back bigger, stronger and better in 2021.

I am also really supportive of the Arts Council's Creative People and Places project in Luton, with Revoluton Arts working across the Marsh Farm and Bury Park areas of Luton. They have delivered a number of brilliant creative programmes designed by and with the local community, with the purpose of encouraging more people to engage with the arts.

I hope that I have gone some way to reassure the hon. Lady that the Government truly believe in and recognise the power of art to transform places and, of course, to transform lives. They work to make the arts and the wider culture of museums and libraries an integral part of everyday public life, accessible to all and understood as absolutely essential to not only our national economy, but the health and happiness of society.

Question put and agreed to.

7.31 pm

House adjourned.

Members Eligible for a Proxy Vote

The following is the list of Members currently certified as eligible for a proxy vote, and of the Members nominated as their proxy:

Member eligible for proxy vote	Nominated proxy	Member eligible for proxy vote	Nominated proxy
Ms Diane Abbott (Hackney North and Stoke Newington)	Bell Ribeiro-Addy	Geraint Davies (Swansea West)	Chris Evans
Tahir Ali (Birmingham, Hall Green)	Chris Elmore	Alex Davies-Jones (Pontypridd)	Chris Elmore
Dr Rosena Allin-Khan (Tooting)	Chris Elmore	David Davis (Haltemprice and Howden)	Stuart Andrew
Tonia Antoniazzi (Gower)	Chris Elmore	Martyn Day (Linlithgow and East Falkirk)	Patrick Grady
Victoria Atkins (Louth and Horncastle)	Stuart Andrew	Marsha De Cordova (Battersea)	Rachel Hopkins
Mr Richard Bacon (South Norfolk)	Stuart Andrew	Allan Dorans (Ayr, Carrick and Cumnock)	Patrick Grady
Siobhan Baillie (Stroud)	Stuart Andrew	Ms Nadine Dorries (Mid Bedfordshire)	Stuart Andrew
Hannah Bardell (Livingston)	Patrick Grady	Peter Dowd (Bootle)	Chris Elmore
Mr John Baron (Basildon and Billericay)	Stuart Andrew	Jack Dromey (Birmingham, Erdington)	Chris Elmore
Margaret Beckett (Derby South)	Clive Efford	Philip Dunne (Ludlow)	Jeremy Hunt
Scott Benton (Blackpool South)	Stuart Andrew	Mrs Natalie Elphicke (Dover)	Maria Caulfield
Sir Paul Beresford (Mole Valley)	Stuart Andrew	Florence Eshalomi (Vauxhall)	Chris Elmore
Jake Berry (Rossendale and Darwen)	Stuart Andrew	Dr Luke Evans (Bosworth)	Stuart Andrew
Mhairi Black (Paisley and Renfrewshire South)	Patrick Grady	Sir David Evennett (Bexleyheath and Crayford)	Stuart Andrew
Bob Blackman (Harrow East)	Stuart Andrew	Michael Fabricant (Lichfield)	Stuart Andrew
Kirsty Blackman (Aberdeen North)	Patrick Grady	Marion Fellows (Motherwell and Wishaw)	Patrick Grady
Mr Peter Bone (Wellingborough)	Stuart Andrew	Stephen Flynn (Aberdeen South)	Patrick Grady
Steven Bonnar (Coatbridge, Chryston and Bellshill)	Patrick Grady	Vicky Foxcroft (Lewisham, Deptford)	Chris Elmore
Andrew Bridgen (North West Leicestershire)	Stuart Andrew	Mr Mark Francois (Rayleigh and Wickford)	Stuart Andrew
Ms Lyn Brown (West Ham)	Chris Elmore	George Freeman (Mid Norfolk)	Bim Afolami
Richard Burgon (Leeds East)	Zarah Sultana	Gill Furniss (Sheffield, Brightside and Hillsborough)	Chris Elmore
Conor Burns (Bournemouth West)	Stuart Andrew	Marcus Fysh (Yeovil)	Stuart Andrew
Ian Byrne (Liverpool, West Derby)	Beth Winter	Sir Roger Gale (North Thanet)	Caroline Nokes
Liam Byrne (Birmingham, Hodge Hill)	Chris Elmore	Preet Kaur Gill (Birmingham, Edgbaston)	Chris Elmore
Amy Callaghan (East Dunbartonshire)	Patrick Grady	Dame Cheryl Gillan (Chesham and Amersham)	Stuart Andrew
Dan Carden (Liverpool, Walton)	Chris Elmore	Mary Glendon (North Tyneside)	Chris Elmore
Sarah Champion (Rotherham)	Chris Elmore	Mrs Helen Grant (Maidstone and The Weald)	Stuart Andrew
Douglas Chapman (Dunfermline and West Fife)	Patrick Grady	Peter Grant (Glenrothes)	Patrick Grady
Feryal Clark (Enfield North)	Chris Elmore	Neil Gray (Airdrie and Shotts)	Patrick Grady
Theo Clarke (Stafford)	Stuart Andrew	Margaret Greenwood (Wirral West)	Chris Elmore
Damian Collins (Folkestone and Hythe)	Stuart Andrew	James Grundy (Leigh)	Stuart Andrew
Rosie Cooper (West Lancashire)	Chris Elmore	Andrew Gwynne (Denton and Reddish)	Chris Elmore
Jeremy Corbyn (Islington North)	Bell Ribeiro-Addy	Fabian Hamilton (Leeds North East)	Chris Elmore
Ronnie Cowan (Inverclyde)	Patrick Grady	Greg Hands (Chelsea and Fulham)	Stuart Andrew
Angela Crawley (Lanark and Hamilton East)	Patrick Grady	Ms Harriet Harman (Camberwell and Peckham)	Chris Elmore
Stella Creasy (Walthamstow)	Chris Elmore	Sir Mark Hendrick (Preston)	Chris Elmore
Tracey Crouch (Chatham and Aylesford)	Caroline Nokes	Simon Hoare (North Dorset)	Fay Jones
Judith Cummins (Bradford South)	Chris Elmore	Mrs Sharon Hodgson (Washington and Sunderland West)	Chris Elmore
Janet Daby (Lewisham East)	Chris Elmore	Kate Hollern (Blackburn)	Chris Elmore
		Adam Holloway (Gravesham)	Maria Caulfield
		Sir George Howarth (Knowsley)	Chris Elmore
		Dr Neil Hudson (Penrith and The Border)	Stuart Andrew

Member eligible for proxy vote	Nominated proxy
Imran Hussain (Bradford East)	Chris Elmore
Ranil Jayawardena (North East Hampshire)	Stuart Andrew
Dame Diana Johnson (Kingston upon Hull North)	Chris Elmore
Alicia Kearns (Rutland and Melton)	Stuart Andrew
Barbara Keeley (Worsley and Eccles South)	Chris Elmore
Afzal Khan (Manchester, Gorton)	Chris Elmore
Sir Greg Knight (East Yorkshire)	Stuart Andrew
Ian Lavery (Wansbeck)	Kate Osborne
Chris Law (Dundee West)	Patrick Grady
Mrs Emma Lewell-Buck (South Shields)	Chris Elmore
Clive Lewis (Norwich South)	Chris Elmore
Mr Ian Liddell-Grainger (Bridgwater and West Somerset)	Stuart Andrew
Tony Lloyd (Rochdale)	Chris Elmore
Julia Lopez (Hornchurch and Upminster)	Lee Rowley
Mr Jonathan Lord (Woking)	Stuart Andrew
Kenny MacAskill (East Lothian)	Patrick Grady
Rachel Maclean (Redditch)	Stuart Andrew
Angus Brendan MacNeil (Na h-Eileanan an Iar)	Patrick Grady
Karl McCartney (Lincoln)	Stuart Andrew
Andy McDonald (Middlesbrough)	Chris Elmore
John McDonnell (Hayes and Harlington)	Zarah Sultana
John Mc Nally (Falkirk)	Patrick Grady
Khalid Mahmood (Birmingham, Perry Barr)	Chris Elmore
Shabana Mahmood (Birmingham, Ladywood)	Chris Elmore
Paul Maynard (Blackpool North and Cleveleys)	Mark Spencer
Ian Mearns (Gateshead)	Chris Elmore
Mark Menzies (Fylde)	Stuart Andrew

Member eligible for proxy vote	Nominated proxy
Anne Marie Morris (Newton Abbot)	Stuart Andrew
David Morris (Morecambe and Lunesdale)	Stuart Andrew
James Murray (Ealing North)	Chris Elmore
Ian Murray (Edinburgh South)	Chris Elmore
John Nicolson (Ochil and South Perthshire)	Patrick Grady
Dr Matthew Offord (Hendon)	Rebecca Harris
Guy Opperman (Hexham)	Stuart Andrew
Kate Osamor (Edmonton)	Nadia Whittome
Owen Paterson North Shropshire)	Stuart Andrew
Sir Mike Penning (Hemel Hempstead)	Stuart Andrew
Dr Dan Poulter (Central Suffolk and North Ipswich)	Peter Aldous
Yasmin Qureshi (Bolton South East)	Chris Elmore
Christina Rees (Neath)	Chris Elmore
Ellie Reeves (Lewisham West and Penge)	Chris Elmore
Andrew Rosindell (Romford)	Rebecca Harris
Mr Virendra Sharma (Ealing, Southall)	Chris Elmore
Mr Barry Sheerman (Huddersfield)	Chris Elmore
Tommy Sheppard (Edinburgh East)	Patrick Grady
Tulip Siddiq (Hampstead and Kilburn)	Chris Elmore
Henry Smith (Crawley)	Stuart Andrew
Sir Gary Streeter (South West Devon)	Stuart Andrew
Mel Stride (Central Devon)	Stuart Andrew
Jon Trickett (Hemsworth)	Olivia Blake
Karl Turner (Kingston upon Hull East)	Chris Elmore
Hywel Williams (Arfon)	Liz Saville Roberts
Pete Wishart (Perth and North Perthshire)	Patrick Grady

Written Statements

Tuesday 22 September 2020

HOME DEPARTMENT

Modern Slavery

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): Today, the Government have published their response to the transparency in supply consultation. A copy of the Government response will be placed in the Libraries of both Houses and it will also be published on gov.uk.

The landmark transparency provisions in the Modern Slavery Act 2015 established the UK as the first country in the world to require businesses to report annually on their work to prevent and address risks of modern slavery in their operations and supply chains. This legislation was introduced to empower investors, consumers and civil society to hold businesses to account, and it has since sparked an international trend for supply chains legislation.

I am proud that thousands of businesses have risen to the challenge of reporting and consistently raised the benchmark for transparency since the Act came into force. This year the Government joined the private sector in opening up about their supply chains, becoming the first country in the world to publish a Government modern slavery statement setting out how we are leveraging public spending to prevent risks in Government supply chains and drive responsible practices. In his foreword to the statement, the Prime Minister made the Government's ambitions clear:

"It's not enough for Government and businesses to simply say they don't tolerate modern slavery. As we take stock of both the challenges faced and achievements made, we must match our words with actions."

Five years on from the Act, it has become more important than ever that businesses take responsibility for their supply chains, and I am committed to ensuring this Government maintain their global leadership on this agenda. In May 2019, the final report of the independent review of the Modern Slavery Act, led by Frank Field, my right hon. Friend the Member for Basingstoke (Mrs Miller) and the noble Baroness Butler-Sloss GBE, considered the Act's transparency legislation alongside four other key areas and made a compelling case for change. In response, the Home Office launched a public consultation seeking views on a range of measures to strengthen section 54 of the Modern Slavery Act and enhance the impact of transparency.

I am grateful for the expertise of the reviewers and of those who responded to the consultation. Today, I am proud to announce the ambitious package of measures we will be taking forwards to strengthen and future-proof the Modern Slavery Act's transparency legislation.

To improve transparency, we will be requiring all organisations caught by the Act to publish their statement to a central Government-run reporting service, to ensure organisations' work to prevent modern slavery is open to scrutiny. At the same time, we will be introducing

mandatory topics that modern slavery statements must cover, to increase transparency and encourage year on year improvement in key areas. Taken together, these measures will drive a race to the top, ensuring progress is recognised and gaps are addressed.

To improve compliance, we will introduce a single reporting deadline on which all statements must be published. We are also considering options for civil penalties for non-compliance forwards in line with the development of the single enforcement body for employment rights, led by the Department for Business, Energy and Industrial Strategy.

Finally, we will be extending the reporting requirement to public bodies—a global first. Leveraging public spending is a crucial step towards driving responsible practices and identifying risks, and I welcome the voluntary efforts of many public sector organisations on this agenda. Like businesses, public sector organisations have a responsibility to be transparent about modern slavery risks in their supply chains and how these are being addressed. Ministerial Government Departments have already committed to publishing annual modern slavery statements, the first of which will be published in September 2021.

Many of these measures are global firsts. However, I am determined that Government and industry do everything possible to protect vulnerable workers from exploitation. Tackling modern slavery remains a priority for the Government and I will continue to look at what further measures are needed to strengthen our response, in partnership with the devolved Administrations, law enforcement, business, public sector organisations, NGOs, civil society and the independent anti-slavery commissioner.

[HCWS463]

INTERNATIONAL TRADE

UK's Future Trading Relationship with the US: Negotiations

The Secretary of State for International Trade (Elizabeth Truss): The fourth UK-US free trade agreement (FTA) negotiating round took place from 8 September to 18 September 2020.

There were 29 sessions held in this round, covering 16 different chapter areas. Significant progress has been achieved since launching negotiations in May 2020, and most chapter areas are now in the advanced stages of talks.

In total, 132 sessions have been held over the past four negotiating rounds, as well as an additional 30 inter-session discussions, involving officials from 20 different UK Government Departments and agencies.

In the fourth round, both sides continued to have detailed textual discussions, and negotiators are now in the process of consolidating texts in the majority of chapter areas.

Shortly before the fourth negotiating round both sides exchanged their first tariff offers, allowing a series of detailed market access discussions to be held during the round.

The exchange of tariff offers is a notable milestone, and the speed at which this stage has been reached demonstrates the momentum behind these negotiations.

Both sides reiterated their commitment to continue negotiations at pace throughout the Autumn in advance of the US presidential elections.

The fifth round of talks will take place in mid to late October, with additional intersessional discussions taking place between the fourth and fifth rounds. Further such talks will be held this week on telecommunications, intellectual property, market access, and rules of origin.

Below is a summary list of those workstreams discussed in the round:

- Sanitary and phytosanitary (SPS)
- Customs and trade facilitation
- Competition
- Technical barriers to trade (TBT)
- Market access
- Financial services
- Good regulatory practice
- Rules of origin
- Investment
- Economics
- Cross border trade in services
- Industrial subsidies
- Sectoral annexes
- Core text
- Trade remedies
- State owned enterprises

[HCWS461]

WOMEN AND EQUALITIES

Gender Recognition Act 2004

The Minister for Women and Equalities (Elizabeth Truss): Today, I am announcing the Government's response to the consultation on the Gender Recognition Act 2004.

As a Government, we are determined that everyone in the UK should be free to live their lives and fulfil their potential regardless of their sex, gender identity, race or disability.

We are proud to have introduced same-sex marriage and passed the Turing law.

We want transgender people to be free to live and to prosper in a modern Britain. We have looked carefully at the issues raised in the consultation, including potential changes to the Gender Recognition Act 2004.

It is the Government's view that the balance struck in this legislation is correct, in that there are proper checks and balances in the system and also support for people who want to change their legal sex.

However, it is also clear that we need to improve the process and experience that transgender people have when applying for a gender recognition certificate—making it kinder and more straightforward. Our changes will address the main concerns that trans people themselves tell us they have about it.

In 2017, we conducted by far the largest survey ever of British LGBT people, with over 108,000 respondents, of whom 7,000 were trans. Of those who had completed their transition, around two in five said that they had a gender recognition certificate, a higher proportion than is often believed. The survey then asked those who had not applied what had prevented them from doing so. They were able to choose as many reasons as they wanted.

Some 38% told us the process was too bureaucratic. So we will place the whole procedure online. Some 34% said the process was too expensive. This, too, we will address. We will reduce the fee from £140 to a nominal amount.

We have also come to understand that gender recognition reform, though supported in the consultation undertaken by the last Government, is not the top priority for transgender people. Perhaps their most important concern is the state of trans healthcare. Trans people tell us that waiting lists at NHS gender clinics are too long. I agree, and I am deeply concerned at the distress it can cause. That is why we are opening at least three new gender clinics this year, which should see waiting lists cut by around 1,600 patients by 2022. The full benefit of the increases in clinical capacity that we have been able to secure will lead to greater patient choice, shorter waiting times, better geographical coverage and easier access. It will also make it easier to fulfil the medical requirements of obtaining a GRC.

It is why we last year provided funding for the UK's first national LGBT health adviser to help improve transgender people's experience.

Britain leads the world as a country where everybody is able to lead their life freely and treated with respect and that, for many years, transgender people have been widely accepted in British society: able to use facilities of their chosen gender; and able to participate fully in modern life.

At the heart of this is the principle of individual liberty. Our philosophy is that a person's character, their ideas, and their work ethic trumps the colour of their skin or their biological sex. We firmly believe that neither biology nor gender is destiny.

The Equality Act 2010 clearly protects transgender people from discrimination. The same act allows service providers to restrict access to single sex spaces on the basis of biological sex if there is a clear justification.

We want every individual, regardless of their sex, sexual orientation, or gender identity to have the confidence and the freedom to be themselves. We will continue with our international leadership by hosting our international LGBT conference to make sure LGBT people around the world are safe to be themselves.

I am laying the analysis report of consultation responses as a Command Paper today and it will be published on gov.uk.

The attachment can be viewed online at: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2020-09-22/HCWS462/>.

[HCWS462]

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**not later than
Tuesday 29 September 2020**

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