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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Tuesday 29 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

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

The Secretary of State was asked—

R&D Road Map

Grahame Morris (Easington) (Lab): Whether he plans to prioritise the development and uptake of human-relevant new approach methodologies in the forthcoming UK research and development road map. [906764]

The Secretary of State for Business, Energy and Industrial Strategy (Alok Sharma): In July, the Government published their ambitious R&D road map, reaffirming our commitment to cement the UK's position as a science superpower. We will revitalise our whole system of science, research and innovation to release its potential, and our investment in multiple disciplines and methodologies will be guided by expert researchers.

Grahame Morris: I thank the Secretary of State for that answer. A successful transition to new approach methodologies requires the support of Government-backed infrastructure, a strategic allocation of funding, improved education, multidisciplinary collaboration between universities and industry, and close collaboration with the regulators. Will he undertake to prioritise the opportunities offered by human-relevant methods, so that the UK does not risk losing its position as a global leader in biomedical research and innovation?

Alok Sharma: I know that the hon. Gentleman cares deeply about this issue and launched a white paper on it earlier this year; I welcome the contribution of that report. The use of animals in research is carefully regulated and remains important in ensuring that new medicines and treatments are safe. However, the Government are committed to reducing and replacing the use of animal research, and we have invested £67 million to support the development of new techniques that will help to achieve that.

Support for Businesses: Covid-19

Craig Williams (Montgomeryshire) (Con): What steps his Department is taking to support businesses during the covid-19 outbreak. [906765]

Dr James Davies (Vale of Clwyd) (Con): What steps his Department is taking to support businesses during the covid-19 outbreak. [906787]

The Secretary of State for Business, Energy and Industrial Strategy (Alok Sharma): My Department has delivered a wide range of measures as part of the Government's unprecedented support package. That includes £11 billion in grants supporting almost 900,000 business premises and over £57 billion in loan guarantees to over 1 million businesses across the UK. We have also extended the deadline for the loan schemes to the end of November, ensuring that there is further support for those who need it.

Craig Williams: I thank the Secretary of State for that answer and for the support to date. When we emerge from the current crisis, we must build back in an environmentally sustainable way and ensure that we are on track to meet our net zero target. What is he doing to deliver carbon capture and storage across the UK, to ensure that manufacturing and agricultural businesses have certainty, with net zero in mind?

Alok Sharma: I agree with my hon. Friend: we need to build back better and build back greener. CCS will be an essential part of the transformation to a low-carbon economy, and it presents an opportunity for the creation of high-value jobs, which we want to see in our country. We have already announced a CCS infrastructure fund of £800 million to deploy carbon capture and storage in at least two industrial clusters over the next decade.

Dr Davies: Many businesses in the Vale of Clwyd welcome the measures that the Chancellor announced last week, but some local and regional employers of all sizes still face significant challenges—none more so than Airbus. Will my right hon. Friend recommit to doing all he can to support Airbus and its highly skilled staff at this particularly uncertain time?

Alok Sharma: My hon. Friend and other Members are champions for the businesses in their constituencies. Airbus has been discussed with me and other ministerial colleagues. Of course, Airbus is a vital part of UK aerospace. We are currently providing the aerospace and aviation sector with over £8.5 billion of support through the covid corporate financing facility, R&D grants, loan guarantees and export support. We are in regular dialogue with Airbus, to see how we can assist it and its employees.

Edward Miliband (Doncaster North) (Lab): Over 1 million people are employed in sectors that are currently shut down, including weddings, events and nightclubs. The Chancellor last week refused to support them because he said they are not "viable", but those businesses are shut because they are rightly following the Government's public health guidance to help tackle the virus. As the person responsible for standing up for the businesses of this country, does the Business Secretary not think it is

wrong, insulting and terrible for our long-term economic future as a country to write off as unviable these businesses and jobs that provide livelihoods for so many people in our country?

Alok Sharma: As the right hon. Gentleman knows, I talk to businesses every day, as he does, and I know it is very difficult for many of them right now. The job support scheme announced by the Chancellor provides targeted support for jobs and business facing lower demand over the coming months. He will also know that the measures have been welcomed by business groups and, indeed, trade unions. The TUC said:

“the Chancellor has listened and done the right thing.”

In addition to the JSS, there are other measures available to support all businesses across the country.

Edward Miliband: The Secretary of State did not answer my question about these businesses that are currently shut down and that are doing the right thing. Many of them have no income coming in, they are excluded from the JSS and they are already loaded up with debt, yet they have rent to pay and overheads to cover, and the Government are just leaving them out in the cold. I believe these were good, viable businesses before the pandemic. They were good enough for the Government to support them back in March, and we need them for our economy after the crisis is over. Will he stand up for these businesses that need help and give them the support they need to help at least survive the crisis?

Alok Sharma: Let me assure the right hon. Gentleman that this Department does stand up for businesses. We have a very regular dialogue with sectors on an ongoing basis. As I said, I acknowledge that some of them are facing particular difficulties. As he himself knows from his time in government, we are not going to be able to protect every single job—very, very sadly—but that is why we are providing extra support in the welfare system but also, really importantly, in support with skills and, indeed, apprenticeships and the kickstart scheme for young people, so that we can help people into better jobs.

Darren Jones (Bristol North West) (Lab): It has been confirmed that the Secretary of State is due to rewrite the industrial strategy this autumn. Given the concern from businesses that the Department is the voice of Government to business, as opposed to the voice of business to Government, could the Secretary of State confirm how businesses will be engaged in the drafting of the new industrial strategy?

Alok Sharma: The Chairman of the Business, Energy and Industrial Strategy Committee of course raises an important point, and he will know that I have come to the House on previous occasions and outlined the detailed discussions we have. I set up a range of taskforces, where we had discussions on issues around the industrial strategy back in June, and we converse on a daily basis with sectors across the country.

Kerry McCarthy (Bristol East) (Lab): I was really disappointed by the answers the Business Secretary gave to my right hon. Friend the Member for Doncaster

North (Edward Miliband). I have global exhibition companies in my constituency that are on the verge of going bust. They do not need to be told about the kickstart scheme or apprenticeships, or to be told that universal credit is available for them. These companies are calling for an extension of business rate relief and a new grant scheme, bearing in mind that many of them were not eligible for the retail, hospitality and leisure grant. Will the Secretary of State consider this, and commit to publishing a provisional date when conferences and exhibition events can reopen, as has been happening in parts of Europe? Will he also agree to meet the sector? I have tried lobbying the Department for Digital, Culture, Media and Sport on this, and I am getting nowhere. Will he pay attention to this sector?

Alok Sharma: As the hon. Lady outlines, this particular sector is the responsibility of the Department for Digital, Culture, Media and Sport. However, I have been talking to representatives of the sector, as have my ministerial team and, as I have said, we will continue to have such conversations. As I have also said, the Chancellor set out a significant package of support since the start of this pandemic, and people are still able to make use of that support.

Scotch Whisky Tariffs

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): What steps his Department is taking to support the Department for International Trade in removing tariffs on Scotch malt whisky. [906766]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Nadhim Zahawi): My Department is working closely with the Department for International Trade to secure a swift settlement of the ongoing aerospace dispute to the benefit of all UK industries, including Scotch whisky, and demonstrating our commitment to free and fair trade.

David Mundell: Does the Minister recognise that it is very important to resolve this issue within the current presidential term? Will his Department therefore take forward urgent measures to resolve, bilaterally, the Airbus-Boeing dispute so that we can get these damaging tariffs removed from Scotch whisky, as I say, during the current presidential term?

Nadhim Zahawi: I reassure my right hon. Friend that the Government are urgently seeking a negotiated settlement of this dispute and are exploring all options. The imminent award of retaliatory rights should incentivise the US to engage in discussions to reach a fair and balanced settlement.

Reducing Business Emissions

Neil Parish (Tiverton and Honiton) (Con): What steps his Department is taking to help businesses reduce emissions. [906767]

The Minister for Business, Energy and Clean Growth (Kwasi Kwarteng): As my hon. Friend knows, helping businesses reduce emissions is crucial to delivering our net zero commitment. To tackle some of our highest carbon-intensive businesses, we have just launched the

£289 million industrial energy transformation fund, and we are also extending the £300 million climate change agreements scheme to incentivise businesses to invest in energy efficiency.

Neil Parish: I thank the Minister very much for his answer. The business sector has successfully reduced greenhouse gas emissions by over 30% since 1990. However, emissions from business transport are counted separately, and transport emissions have gone down only by 3% since 1990. Does my right hon. Friend agree with me that we have a great opportunity in the UK to be a world leader in green transport—from electric vehicles to hydrogen lorries—and will he work closely with the Treasury to incentivise businesses to use more low emission vehicles in the future?

Kwasi Kwarteng: We do have extensive plans. We have further plans for decarbonising freight that will form part of the transport decarbonisation plan, which we expect to publish later this year. We work constantly with other Departments to ensure that we can reach our net zero targets. My hon. Friend is quite right to emphasise, in particular, the role that transport plays in carbon emissions.

Matthew Pennycook (Greenwich and Woolwich) (Lab): If we want business to play its full part in reducing emissions and to finance the innovation and infrastructure critical to the transition to a low-carbon economy, the Government need to address the very real barriers to private investment. One obvious way to do so is through a national investment bank with a clear mandate to channel both public and private capital towards projects that aid a green recovery and help the country to achieve its net zero target. Does the Minister's Department as a whole support the establishment of such a bank, and if so, will he update the House on what progress has been made in convincing his colleagues in the Treasury to get behind the proposal?

Kwasi Kwarteng: It is no secret that there is plenty of discussion about a national infrastructure bank. The Green Investment Bank, which was set up in 2015, was successful, and this is something that we are constantly in conversations about.

Support for Manufacturing

Miriam Cates (Penistone and Stocksbridge) (Con): What steps his Department is taking to support manufacturing. [906768]

Greg Smith (Buckingham) (Con): What steps his Department is taking to support manufacturing. [906784]

Simon Baynes (Clwyd South) (Con): What steps his Department is taking to support manufacturing. [906785]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Amanda Solloway): BEIS continues to engage with industry and suppliers to ensure that we can support our manufacturing sectors during and after the covid-19 crisis. This includes an

unprecedented package of Government support to help with business continuity and drive recovery after the pandemic.

Miriam Cates: Steel manufacture is the heart and soul of towns like Stocksbridge in my constituency. It provides high-skilled, well-paid, productive jobs. Once we have left the EU, we will be free to use our procurement processes to favour British manufacturers. Will my hon. Friend commit to grasping this opportunity to make sure that our infrastructure revolution helps to secure the future of British steel?

Amanda Solloway: The Government have helped our steel industry to compete globally by providing more than £480 million in relief to the sector for electricity costs since 2013. We want to ensure that UK steel producers can compete for and win contracts associated with domestic infrastructure investments, including HS2. We are working closely with the sector and other relevant parties to realise these opportunities.

Greg Smith: Furniture manufacturing is an enormously important part of the economy in my constituency, with firms such as Ercol and Hypnos Beds located in Princes Risborough. As a result of covid, the industry estimates a 25% to 30% reduction in UK furniture sales this year, with 10,000 jobs at risk. Will my hon. Friend join me in backing the industry's "Buy the Best, Buy British, Save Jobs" campaign, which is also supported by the all-party parliamentary group on furniture makers, and outline what more she can do to support our furniture makers?

Amanda Solloway: I will be delighted to support that campaign. It is great to see the furniture industry supporting high-quality British manufacturing with its "Buy British" initiative. Now, more than ever, we all need to do our bit by backing British industry to drive jobs, innovation and growth.

Simon Baynes: Manufacturing industries in my constituency such as Cadbury's in Chirk—part of the Mondel z group—Barnett Engineering in Rhos and Ifor Williams Trailers in Cynwyd are the bedrock of the country's manufacturing sector. Will the Minister comment on how the Chancellor's announcement of economic measures last week will help these manufacturing companies through the coronavirus crisis?

Amanda Solloway: I welcome the measures announced by the Chancellor last week and agree that manufacturing is a key component of the UK's thriving industrial sector. The job support scheme will provide eligible manufacturing businesses in Clwyd South with a grant covering one third of all employees' wages for hours not worked, up to a cap of £697.92 a month. Furthermore, the deadline for applications for coronavirus business interruption loans and the future fund has now been extended to 30 November.

Sarah Olney (Richmond Park) (LD): More than 90% of the UK's manufacturing companies have kept working, even at the height of the pandemic, keeping food on supermarket shelves and medicines and ventilators in our hospitals. However, many of them will face a major crisis when the furlough scheme ends in a few weeks'

time. Demand is still incredibly low in some parts of industry, but Government support is being withdrawn. It is patently obvious that the well-paid and highly skilled jobs that we have in sectors such as aerospace and aviation should be the foundations of our future economic growth and the public will not forget it if the Government allow them to wither on the vine. As the voice of business within the Government—

Mr Speaker: Order. We cannot read out a speech. It has to be a question, very short and very brief. It is a supplementary.

Sarah Olney: May I ask the Minister, as the voice of business within the Government, what she is doing to ensure that these vital jobs and skills are being protected?

Amanda Solloway: The hon. Lady will know that the Government are absolutely committed to making sure that businesses are the future of the economy and that we need to get the economy back on track. We have invested billions of pounds making sure that we have all the schemes in place that will enable this economy to thrive.

Marine Energy Sector

Sally-Ann Hart (Hastings and Rye) (Con): What steps his Department is taking to support the marine energy sector. [906769]

The Minister for Business, Energy and Clean Growth (Kwasi Kwarteng): My hon. Friend will know that the Government have a long history of supporting the development of marine technologies. Since 2010, we have provided £80 million in research and development funding, and last month we published a call for evidence on the potential of marine energy, and we are looking forward to those responses.

Sally-Ann Hart: Will my hon. Friend please update the House on progress that has been made on the development of wind and wave technology around the coastline, as I know that the Crown Estate is looking at the development of wind farms off the south-east coast, near my constituency of Hastings and Rye?

Kwasi Kwarteng: My hon. Friend is quite right. In addition to the proposed extension to the Rampion offshore wind farm off Brighton, I understand that there is significant market interest in the Crown Estate's current seabed leasing round, and that, we expect, will include areas off the coast of the south-east of England, near my hon. Friend's constituency.

Automotive Sector: Environmentally Sustainable Recovery

Joy Morrissey (Beaconsfield) (Con): What steps his Department is taking to support an environmentally sustainable economic recovery in the automotive sector. [906770]

Karl McCartney (Lincoln) (Con): What steps his Department is taking to support an environmentally sustainable economic recovery in the automotive sector. [906789]

Nick Fletcher (Don Valley) (Con): What steps his Department is taking to support an environmentally sustainable economic recovery in the automotive sector. [906793]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Nadhim Zahawi): My hon. Friend will know that we continue to support the transformation of the sector towards zero-emission vehicles. Last autumn, we announced up to £1 billion of new funding for the next generation of innovative, low-carbon automotive technologies. A competition, as we speak, is under way.

Joy Morrissey: As we recover from the economic effects of the coronavirus, it is vital that we build back greener. Can my hon. Friend reassure me that he is backing the innovators who are working on decarbonising our automobile industry—companies such as Gridserve Sustainable Energy—and who can get their cutting edge ideas on to the market, supporting green jobs along the way?

Nadhim Zahawi: Green recovery is an absolute priority for my Department. We have brought forward funding to restart innovation, support business and deliver our decarbonisation ambitions. This includes £10 million through the Advanced Propulsion Centre and £12 million from the Office for Low Emission Vehicles.

Karl McCartney [V]: I thank my hon. Friend for his earlier answer. Vehicle regulations regarding electric vehicles, I am told, now come under the auspices of the electricity at work regulations. Not many garages realise that and as electric cars have the equivalent to domestic three-phase electricity amounts of stored energy that can kill very easily, what is he doing to ensure that we do not lead the world in deaths in this sector?

Nadhim Zahawi: There are 182,000 vehicle technicians in the UK, of which 21,000 are EV qualified. Last year, we endorsed the Institute of the Motor Industry's TechSafe professional standards, which will help to ensure that staff are properly trained and qualified to work on electric vehicles.

Nick Fletcher: My hon. Friend may be aware that Elon Musk, the chief executive officer of Tesla Motors, recently landed at Doncaster Sheffield Airport and has seen the land ready for development. Will the Minister work with me to put a case forward to encourage this automotive giant to build its next gigafactory in Don Valley?

Nadhim Zahawi: I thank my hon. Friend for his question. I am very keen to secure battery manufacturing capability in the United Kingdom, and I am very supportive of discussions with potential investors about their requirements. As he knows, we are currently calling on industry to put forward investment proposals for gigafactories.

Dr Alan Whitehead (Southampton, Test) (Lab): The Minister of State has mentioned the production of electric vehicles as a key element of sustainable economic recovery in the automotive sector, and we want that production to be supported by the phasing out of new

internal combustion hybrid vehicles by 2030. He, I think, wants 2040 to be the date, but we will agree, I am sure, that that must be accompanied by an appropriate national charging infrastructure. Its development, however, is seriously lagging. A recent report by the International Council on Clean Transportation found that as few as 5% of the chargers that will be needed by 2030 are currently installed. What is he doing to ensure that charging infrastructure can meet future demands placed on it?

Nadhim Zahawi: We have, as the hon. Member rightly mentioned, consulted on bringing forward the end to the sale of new petrol and diesel cars and vans from 2040 to 2035, or earlier if a fast transition appears feasible, as well as including hybrids for the first time. We will announce the outcome in due course. I remind him that we are investing £2.5 billion in grants for plug-in passenger commercial vehicles and more than 18,000 publicly available charging devices, including 3,200 rapid devices: one of the largest networks in Europe. I want to see him supporting that endeavour rather than talking it down.

Businesses and Covid-19

Mrs Emma Lewell-Buck (South Shields) (Lab): What recent discussions he has had with representatives from those business sectors most affected by the covid-19 outbreak. [906771]

Ellie Reeves (Lewisham West and Penge) (Lab): What recent discussions he has had with representatives from those business sectors most affected by the covid-19 outbreak. [906782]

Jeff Smith (Manchester, Withington) (Lab): What recent discussions he has had with representatives from those business sectors most affected by the covid-19 outbreak. [906788]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully): Ministerial colleagues and I have engaged closely with affected sectors throughout the covid-19 pandemic. Recently, I have had meetings with representatives of the retail, hospitality, consumer goods, weddings, nightclubs and events sectors, and small and medium-sized enterprises across the UK.

Mrs Lewell-Buck [V]: I thank the Minister for his response, but it is simply not good enough. My local pubs, bars, restaurants, theatres and taxi drivers were already fighting for their survival. The introduction of an arbitrary and unevicenced 10 pm curfew has led one of my constituents, Stephen Sullivan, who runs Ziggy's in South Shields, to say, "I simply can't see a way forward. There is no way out for my business." When on earth will the Government abolish this curfew?

Paul Scully: I am sorry that the hon. Member does not feel that speaking to 3,000 or 4,000 businesses over the past few months to understand their issues is good enough. None the less, I understand the concern of the hospitality sector and other sectors in South Shields in particular, where there are local restrictions. It is so important that we get the economy up and running as

soon as we can. The Government's first priority is to save lives, but to save businesses and livelihoods is just as important.

Ellie Reeves [V]: I am proud of my many constituents who work in the creative industries, such as musicians, actors, producers and designers, to name but a few. Making ends meet in this sector can be difficult at the best of times, but it is now even more precarious as many businesses will not yet be able to reopen. What plans does the Minister have to ensure that workers in creative industry, including permanent, freelance, self-employed and those previously excluded, can receive financial support in the tough months ahead?

Paul Scully: That is something that I continue to engage with the Treasury and with businesses on, to understand it and to see what more we can do. I am someone who has in the past been a company director and paid myself through dividends, so I understand the position of those in the creative sector, who are doing much the same thing. We will work together to see what more we can do.

Jeff Smith: I used to work in the nightclub industry, like 70,000 people in the UK. Clubs are currently shut down on Government advice and are getting no support on rent, rates or other overheads. Loans are no good because they are just building up the debt. These are businesses that will be not just viable, but thriving businesses and good employers if they can get through the covid shutdown. What are the Government going to do to help them to get through this crisis?

Paul Scully: I have met nightclub representatives and people who run nightclubs. I have met with Sacha Lord and other people who work with the elected mayors. We have set up a nightclub taskforce to work with the Night Time Industries Association and other owners to try to work our way to a covid-19-secure nightclub, when we can start to open up the economy. Many nightclubs have actually repurposed to be able to open as bars and other areas of industry.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): The Minister says he understands, but it beggars belief that his Government still refuse to support businesses that were vibrant and viable. Workers, freelancers, creatives and the newly self-employed have been hung out to dry. Government sources now predict that all pubs, restaurants and bars will be ordered to close for two weeks initially. Without furlough and restricted by curfew, why is he creating another class of the excluded?

Paul Scully: I am not sure where the Government sources are coming from. As I say, lives are absolutely first in our priorities; we are trying to make sure that we can stop the transmission of this virus. We want to keep the economy open, which is why we have put measures in place so that, although they are hampered because they cannot trade fully, pubs, restaurants and other sectors can stay open at this time.

Drew Hendry: The Government will not provide grants to struggling firms, they are giving a pittance to the self-employed and they are replacing furlough with a scheme that excludes businesses closing on health grounds.

They are incentivising the rest to cut staff, with 3 million already thrown to the wolves and more to come. Did the Minister demand that the Chancellor introduce an emergency Budget to save the excluded? If not, is it not the case that his role is simply not viable?

Paul Scully: The Government have put in £160 billion-worth of support, wrapping our arms around as much of the economy as we can. We have put off business rates for these businesses. We have extended the VAT cut for another few months for the hospitality sector in particular. We will continue to see what more we can do to keep our economy open.

Lucy Powell (Manchester Central) (Lab/Co-op): I am afraid that talking and engagement is all well and good, but what we need is some action. Does the Minister think that Deer Park in Devon, which was fully booked for weddings next year, or the conference business in Manchester, which was 90% booked for next year, are unviable businesses? The Government have thrown those and thousands of other thriving businesses on the scrapheap this week—businesses that were very much viable and will be so again when the restrictions are lifted. They have taken the loans. They will not qualify for the job support scheme. They were promised that track and trace would allow them to reopen, yet the Government have now turned their back on them. The Conservatives are no longer the party of business. As a very small measure, will the Minister reallocate the cash grant underspend to ensure that we do not see thousands of businesses go bust on his watch?

Paul Scully: We have handed out £11 billion-worth of cash grants to businesses across the country. In terms of the underspend, the under-allocation varied by local authorities and how much money they could get to those businesses, which is why we need to have it in to reconcile. I work with the wedding sector. At the moment it is impossible to work through a system that makes it viable for those businesses to open beyond a certain number. However, they will be viable businesses in the future.

UK Internal Market Bill

Neale Hanvey (Kirkcaldy and Cowdenbeath) (SNP): What recent discussions he has had with (a) Cabinet colleagues and (b) the Scottish Government on the economic effect on businesses of the UK Internal Market Bill. [906772]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully): Ministers have clearly set out the benefits to all UK businesses of ensuring that goods and services can flow freely across the UK. That is in Scotland's interests, given that it exports more to the rest of the UK than to the EU. The hon. Gentleman will have noticed that I have spent about 12 hours on these Benches with the Minister of State, Cabinet Office, my hon. Friend the Member for Norwich North (Chloe Smith), having discussions and debating this issue.

Neale Hanvey [V]: Businesses in my Kirkcaldy and Cowdenbeath constituency and across Scotland benefit from not only the most competitive business rates regime in the UK but vital schemes such as the transition training fund, the inward investment scheme and a half-billion pound infrastructure plan. With the internal

market Bill allowing UK Ministers to spend in devolved areas, what guarantees can the Minister give that such expenditure will not result in a consequential reduction in essential Scottish Government funding, putting such schemes at risk?

Paul Scully: Spending from the UK Government will be complementary to that coming from the Scottish Government. We want to add to that and to make sure that the UK economy can flourish. Scottish business will be at risk without the regulatory certainty of this Bill, so we want to prevent additional layers of complexity.

Merseyside: Sustainable Energy Production

Paula Barker (Liverpool, Wavertree) (Lab): What steps he is taking to support (a) the Mersey tidal project and (b) other new jobs and environmentally sustainable energy production on Merseyside. [906773]

The Minister for Business, Energy and Clean Growth (Kwasi Kwarteng): I reassure the hon. Lady that we are looking with great interest at the Mersey tidal project and that the Government have already funded the north-west energy hub so that we can drive huge opportunities for the region in renewable energy. I know that BEIS officials recently met representatives from the Liverpool City Region Combined Authority to discuss the very Mersey tidal project that she mentions.

Paula Barker: Highly skilled, green manufacturing jobs should power our economic recovery beyond the pandemic and it is calculated that the Mersey tidal scheme could have the potential to generate up to four times the energy of all the wind turbines in Liverpool bay—enough energy to power 1 million homes. Liverpool city region's Mayor has already secured £2.5 million of funding for the next phase of work. Given the Minister's positive response, will he meet with the metro Mayor, local MPs and industry experts such as Martin Land, who now heads up the project, to help to accelerate it to feed stage development at the appropriate juncture?

Kwasi Kwarteng: I would be very happy to meet with MPs and representatives in the Mersey region. I know the Mayor, Steven Rotherham; I met him in my previous life as a DExEU Under-Secretary. I am happy to meet him and others again.

Employment Practices

Jessica Morden (Newport East) (Lab): What steps his Department is taking to ensure that employers do not use unfair and discriminatory practices when selecting people for redundancy. [906774]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully): Any discrimination when selecting people for redundancy would be not only wrong, but unlawful. Employees with the necessary qualifying service can bring a claim to an employment tribunal where they believe that they have been unfairly selected for redundancy.

Jessica Morden: Citizens Advice research shows that one worker in six is facing redundancy and that parents and carers of those who have shielded are twice as likely

to be made redundant. Will the Minister now provide additional emergency resources to enforcement bodies to ensure that people are treated fairly, equally and safely during this extremely worrying time?

Paul Scully: We work closely with the enforcement body to make sure that it can do its job and we resource it accordingly. We are also looking to the long term to see what more we can do for better enforcement in these matters.

Coronavirus Job Retention Scheme

Paul Blomfield (Sheffield Central) (Lab): What assessment he has made of the potential effect on employment levels of closing the coronavirus job retention scheme.

[906775]

The Secretary of State for Business, Energy and Industrial Strategy (Alok Sharma): Some 9.6 million jobs have been supported through the coronavirus job retention scheme and millions of people have now moved off furlough and back into work. The job support scheme and other measures, such as the extension of our temporary VAT cut for the hospitality and tourism sectors, demonstrate our commitment to supporting businesses and workers.

Paul Blomfield: May I return to a theme that has been raised by other Members without success in terms of answers? Sheffield City Region Music Board wrote to the Culture Secretary with local Members over six weeks ago about the problems facing the music industry. We have had no reply. The new job support scheme offers nothing to businesses that are unable to open, such as many of Sheffield's iconic music venues, with impacts on jobs right across the sector. One constituent said to me yesterday that by declaring most music businesses not viable, the Government have basically hung everyone out to dry. Ministers did not address this issue in their earlier answers, so will the Secretary of State recognise the problem and spell out what action the Government will take to protect jobs in the music, events and creative industries?

Alok Sharma: I completely understand the concerns that colleagues have about the sectors that are not open. I can only reiterate, without going into full details, that we continue to have discussions with those sectors. The hon. Gentleman talks about the particular sector that he knows, which is the responsibility of another Secretary of State, but I have spoken to my right hon. Friend the Secretary of State for Digital, Culture, Media and Sport about those issues in the past day or two. We will continue to have discussions.

I say to the hon. Gentleman that we are trying to make sure that the economy stays open, and the vast majority of the economy is open, but we need to do that in a safe way. If we all play our part, we will be in a position where we can reopen the rest of the economy and move to some sense of normality.

Advanced Nuclear Reactors

Mike Hill (Hartlepool) (Lab): What recent assessment he has made of the potential merits of locations in the UK for (a) small and (b) advanced nuclear reactors. [R]

[906778]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Nadhim Zahawi): The UK is fast becoming an exciting place for developing small and advanced nuclear reactor technologies. That is why we have recently invested over £130 million to support their development. We will shortly be undertaking a comprehensive assessment of siting requirements, including suitability, safety and security.

Mike Hill: When will the Government publish their long-awaited energy White Paper and end the uncertainty over the future of our nuclear industry?

Nadhim Zahawi: We are on record saying that we will publish the energy White Paper this autumn.

Jobs and Covid-19

Sarah Champion (Rotherham) (Lab): What recent discussions he has had with manufacturers on the effect on jobs of the covid-19 outbreak.

[906779]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Nadhim Zahawi): We are committed to ongoing engagement with industry to understand the impact of the pandemic on manufacturers and to ensure that they have the support they need. My right hon. Friend the Secretary of State and I have regular meetings with manufacturers, including one yesterday with more than 100 manufacturers and major businesses, including Make UK.

Sarah Champion [V]: Manufacturers in Rotherham have faced huge disruption as a result of covid-19. It is now becoming increasingly likely that Britain may exit the transition period without a deal in place with the EU. Will the Minister please outline what steps he is taking to ensure that manufacturers in my constituency and across the country have the certainty and support they need from the Government to sustain their businesses in the face of unprecedented challenges?

Nadhim Zahawi: My right hon. Friend the Secretary of State addressed refreshing the industrial strategy, and, of course, manufacturing absolutely remains central to our industrial strategy. Some 65% of research and development is delivered by manufacturing in the UK. We remain the ninth largest manufacturer in the world, so manufacturing will be front and centre of our long-term investment in our green, sustainable recovery.

State Aid

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): What recent assessment he has made of the effectiveness of the use of state aid by the Government.

[906780]

The Secretary of State for Business, Energy and Industrial Strategy (Alok Sharma): Government Departments consider the impact of any support they provide and the Government's recent covid-19 measures have been hugely welcomed by businesses. Our upcoming consultation on subsidy control will allow us to gather views on how to ensure those measures continue to be effective in achieving our economic objectives.

Liz Saville Roberts: Putting the covid period to one side, it is worth remembering that in 2018 the UK spent only 0.38% of GDP on state aid. France spent twice as much and Germany four times more. With the United Kingdom Internal Market Bill, the Government will centralise state aid decision making in London. When will his Government lift the arbitrary borrowing cap on the Welsh Government to enable Wales to invest in Welsh infrastructure and thus boost Welsh productivity?

Alok Sharma: We have had this debate, of course, during the passage of the United Kingdom Internal Market Bill over the past few days. Subsidy control has never been a devolved matter. The right hon. Lady is absolutely right. We have always been clear that the regulation of subsidy control is a reserved matter. There will be a consultation, but ultimately we want to promote a competitive and dynamic economy throughout the whole of the United Kingdom.

High-tech Industry

Anthony Mangnall (Totnes) (Con): What support his Department is providing for high-tech industry. [906783]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Amanda Solloway): The UK has one of the most vibrant and innovative tech sectors in the world, and it has been highly resilient through the pandemic. We are providing a wide range of support for high-tech industries, including the artificial intelligence sector deal, the industrial strategy challenge fund and the £1.25 billion coronavirus package of support for innovative firms.

Anthony Mangnall: The Minister will be aware of the value of the photonics industry to the UK economy. My constituency is home to the EPIC Centre in Paignton and its own site in Brixham. Given the leading value it has in the manufacturing industry and in quantum photonics, what support will it be given, along the lines of the research and development roadmap?

Amanda Solloway: Indeed, I know about the excellent work in Totnes. The Government recognise the important contribution made to the UK economy by the photonics industry and its underpinning role in growing the UK's quantum technology sector. Successive Governments have supported the growth of the sector with R&D investment. As the Government implement our ambitious "UK research and development roadmap", published in July, investing in cross-cutting technologies and realising the potential for regional strengths will be vital to making the most of the UK's potential and becoming a science superpower.

Nuclear Power and Decarbonisation

Virginia Crosbie (Ynys Môn) (Con): What recent assessment he has made of the role of nuclear power in decarbonising the UK economy. [906786]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Nadhim Zahawi): Nuclear power, which is a safe, reliable and low-carbon source of power, has a key role to play, alongside other technologies such as renewables, as we transition our energy system to achieve net zero greenhouse gas emissions by 2050.

Virginia Crosbie: I thank the Minister for his answer. The recent withdrawal of Hitachi from the Wylfa Newydd nuclear project in my constituency is exceptionally disappointing. I would like to thank the Isle of Anglesey County Council, Annwen Morgan, Llinos Medi Huws and all those at the council who worked so hard on the project, the team at Horizon and the Department for Business, Energy and Industrial Strategy. Most importantly, I would like to thank the communities of Ynys Môn for their support, patience and vision. Vision is hope with a plan—

Mr Speaker: Order. These are meant to be short questions. Minister, pick anything out of that.

Nadhim Zahawi: I want to add one more person to that list for her work, and that is my hon. Friend. We recognise that Hitachi's decision will be disappointing news for the people of north Wales. We remain willing to discuss new nuclear projects with any viable companies and investors wishing to develop the site. It is a great site that has a great amount of backing from the community.

Research and Development

Claire Coutinho (East Surrey) (Con): What steps his Department is taking to support research and development. [906790]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Amanda Solloway): We are making good progress in implementing the Government's ambitious R&D road map, including by investing £236 million around the UK through the strength in places fund, setting up the innovation expert group and the place advisory group, and taking steps to reduce unnecessary bureaucracy.

Claire Coutinho: I welcome the near doubling of spend on UK R&D. Will my hon. Friend outline the work that is being done to draw in the R&D centres of international companies? This will be key to the prosperity not just of East Surrey, but of the whole country.

Amanda Solloway: As part of the R&D road map we are actively developing a place strategy, which will set out how we can develop and grow an R&D capability across the country. I regularly meet my noble Friend Lord Grimstone, the Minister for Investment, to discuss how we can leverage and increase foreign direct investment to benefit all regions and nations of the UK.

Topical Questions

[906824] **Mohammad Yasin (Bedford) (Lab):** If he will make a statement on his departmental responsibilities.

The Secretary of State for Business, Energy and Industrial Strategy (Alok Sharma): I know that the plight of sub-postmasters involved in the Horizon IT scandal has rightly concerned many hon. and right hon. Members. There have been repeated calls for a judge-led inquiry into this matter. I can confirm that former High Court judge Sir Wyn Williams will chair the Government's inquiry, which begins this week. The terms of reference have been expanded following feedback from former postmasters and hon. Members. The Under-Secretary

of State for Business, Energy and Industrial Strategy, my hon. Friend the Member for Sutton and Cheam (Paul Scully), who is leading this work in my Department, will be pleased to update colleagues.

Mohammad Yasin: The landlord of the Burnaby Arms pub in Bedford has three staff on zero-hours contracts. One is currently on flexible furlough, working reduced hours. The other two are still on furlough and have been informed that they will lose their jobs when furlough ends unless the situation for wet-led pubs changes. How does the job support scheme—which actually costs this and many other businesses in my constituency more money to keep staff—prevent mass job losses?

Alok Sharma: The best thing we can do to continue to keep the hospitality sector open is to ensure that we get the virus and the infections under control, and that is precisely what we are doing with the proportionate measures that the Government are taking.

[906825] **Cherilyn Mackrory** (Truro and Falmouth) (Con): I was extremely pleased recently to welcome the Secretary of State for International Trade to Truro and Falmouth, where she was able to look at the globally significant lithium grades in geothermal waters in my constituency. Will the Minister ensure that the Government continue their part funding of this United Downs project to help it to continue its important steps towards the commercial production of lithium in Cornwall?

The Minister for Business, Energy and Clean Growth (Kwasi Kwarteng): I pay tribute to my hon. Friend for the work that she is doing in this area. I also congratulate the United Downs project on last month securing £4 million from the Government's getting building fund. As the Prime Minister has said this weekend, the UK will lead by example by keeping the environment firmly on the global agenda and serving as a launchpad for a global green industrial revolution.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): Two years ago, having spent £1.2 billion of taxpayers' money developing the European Galileo programme, the Government abandoned it to build a duplicate British system at a cost of £3 billion to £5 billion; they spent tens of millions on this "me too" sat-nav system, plus half a billion pounds on OneWeb, a bankrupt American satellite company. Now we hear that the British sat-nav system is to be abandoned too—and for what? According to newspaper reports, which are better briefed than Parliament, it is so that the Prime Minister can go head to head with Elon Musk.

Mr Speaker: Order. I have had this each day. I do not mind the shadow Minister asking questions, but the idea of topical questions is that they are short and punchy, not big, long statements and questions. Please can we have a quick question?

Chi Onwurah: What is the Government's strategy for the British sat-nav system?

Alok Sharma: I think the hon. Lady is making reference to the UN global navigation satellite systems programme. It is not being closed; due to the importance of the Government's ambitions for the space sector, the programme is being reset and its remit widened.

[906827] **Shaun Bailey** (West Bromwich West) (Con): With around 70,000 jobs reliant on manufacturing in the black country, now is an opportune time to review the black country industrial strategy. I am pleased that my right hon. Friend confirmed a refresh of that industrial strategy. Will he meet me to discuss how we can leverage industrial and manufacturing capacity in the black country to restart that industrial revolution?

Alok Sharma: We are indeed refreshing the 2017 industrial strategy to reflect the Government's priorities, which are putting the UK at the forefront of technological opportunities, boosting growth and productivity across our country, and supporting a green recovery. I would be happy to meet my hon. Friend to discuss the black country industrial strategy.

[906828] **David Mundell** (Dumfriesshire, Clydesdale and Tweeddale) (Con): Sanquhar in my constituency has the world's oldest post office, and that title derives from the fact that the post office has been on the same site for 300 years. Will the Secretary of State confirm that, along with the Post Office, he will take every opportunity to keep a post office on that site?

Alok Sharma: I recognise the historic significance and role of the post office in Sanquhar, and I thank all the staff who have kept it running over the years, particularly most recently through the covid pandemic. I very much hope that a long-term future for that post office can be secured.

[906829] **Matt Western** (Warwick and Leamington) (Lab): The Chancellor claims that certain businesses and jobs are no longer viable—he says "unviable". Will the Minister explain how the Government can support people sitting on packed aeroplanes for three and a half hours, but will not support restaurants and cafes in Warwick and Leamington, and across the country, or cinemas and bars, where people may be sat at the same density?

Alok Sharma: As the hon. Gentleman knows, we are supporting the hospitality sector. Business rates are not required to be paid for the full year, and other support is available across the economy. If we want to get back to normality, we must get this infection under control, and we all have a part to play in that.

[906830] **Mr Philip Hollobone** (Kettering) (Con): What advice does the Secretary of State offer to people in Kettering and across the country who are struggling to pay essential bills as a result of the pandemic?

Alok Sharma: My hon. Friend may know that we have funded Citizens Advice to provide local advice during this crisis, and we have negotiated a voluntary agreement with energy suppliers to support households impacted by covid-19. I also commend the Money Advice Service for developing the money advice tool, which gives people important practical support in managing their finances.

[906831] **Grahame Morris** (Easington) (Lab): Significant economic activity is ready to be unlocked by the Horden housing masterplan being developed by Durham County Council. The scheme ticks all the boxes: it will benefit

small businesses and the green economy, improve housing, and support the Government's levelling up and build back better agenda. Will the Minister support that plan and help to bring much-needed investment to my constituency?

Kwasi Kwarteng: We are very supportive of any schemes in this country that promote the net-zero agenda, and I would be interested to hear details of that scheme in the hon. Gentleman's constituency. I would be happy to meet him, and others, to discuss those matters further.

[906833] **Christian Wakeford** (Bury South) (Con): The north of England, and in particular Bury, has the potential to become a hub for start-ups, research and development, and innovation. That should also be utilised in the fight against coronavirus and the Government's efforts to secure a vaccine that will end the pandemic. Will my right hon. Friend ensure that the Vaccine Taskforce relies on the strength of the whole UK, by distributing manufacturing capacity across the country?

Alok Sharma: The Vaccine Taskforce, which is part of my Department, has made incredible progress in securing access to the most promising vaccine candidates. We have invested to build our manufacturing capacity in Oxford, Essex, Scotland and north Wales, and we will continue to work with the UK bioindustry to determine how further to develop our vaccine capabilities across the whole country.

[906832] **Alan Brown** (Kilmarnock and Loudoun) (SNP): Of the Government's planned six nuclear sites, so far we have the most expensive plan in the world at Hinkley, Toshiba has walked away from Moorside, and now Hitachi is giving up on Wylfa and Oldbury. Instead of relying on a Chinese state company to deliver the remaining two nuclear sites, is it time for the Government to follow the private sector and ditch that outdated technology?

Kwasi Kwarteng: The hon. Gentleman and I have different views on that issue. It stands to reason that as we go towards net zero, we will need dispatchable power and a source of firm power. Most of the analysis we have seen suggests that nuclear has a part to play in that net-zero future.

[906834] **Andrew Jones** (Harrogate and Knaresborough) (Con): Harrogate and Knaresborough has a large conference and events industry, mainly driven by the Harrogate convention centre, which is now a Nightingale hospital. I have raised the industry's specific challenges with Ministers already, but I understand that my right hon. Friend has been having discussions with the sector directly. Will he update the House on those discussions, and will he meet me to discuss the specific challenges for the industry in my constituency?

Alok Sharma: The Government of course recognise the challenges facing the industry. My hon. Friend is right, and I have also heard directly from representatives of the National Exhibition Centre about these challenges. Conference and events businesses can draw on the Government's current support package, but I know that my right hon. Friend the Secretary of State for Digital, Culture, Media and Sport, who has responsibility for the sector, will continue to work closely with them.

Nadia Whittome (Nottingham East) (Lab): The Government must make a just transition to a lower-carbon economy and, in doing so, create green jobs. Will the Minister outline the number of green jobs created since he has been in post, and specifically which green technologies and industries can expect investment from the Government over the next year?

Alok Sharma: We currently have a close to half a million green jobs in this country. We want to create another 2 million. The hon. Lady will also know that the Chancellor announced the green homes grant package, which will support more than 100,000 green jobs.

[906835] **Aaron Bell** (Newcastle-under-Lyme) (Con): Last week, I spoke with my constituent David Bevan, who runs Alive Network, the UK's largest live entertainment booking agency. He and I acknowledge that he has already had an awful lot of support from the Government, through grants, furlough, bounce back loans, VAT deferral and so on. Times are tough at the moment, but he expects things to be busier than ever when we get to the other side. What more can my right hon. Friend's Department do to help David's business get to the other side?

Alok Sharma: I am pleased that my hon. Friend welcomes our jobs package. The Government continue to provide a full range of measures to protect jobs, businesses and livelihoods. Of course, I want this sector—indeed, every sector—to return to normal as soon as possible, but that will require scientific evidence to show that it is safe to do so.

[906849] **Caroline Lucas** (Brighton, Pavilion) (Green): Last week, the Prime Minister announced that the UK will bring forward what he called a

"very ambitious national contribution for COP26".

Can the Secretary of State confirm that that really means that the nationally determined contribution will be published this year and, crucially, that it will at the very least be aligned with 1.5° C?

Alok Sharma: I had the honour and pleasure of being questioned by the hon. Lady at a Select Committee in recent days. I repeat what I said then—that we are asking all countries to come forward with ambitious NDCs, and that I completely understand that there will be a requirement on the UK as well.

[906836] **Chris Clarkson** (Heywood and Middleton) (Con): Heywood Magic Market in my constituency has been offering stalls for just £28 a week, enabling sole traders and the self-employed to find new, innovative ways of earning a living during the coronavirus pandemic. Will my right hon. Friend join me in congratulating the staff, the traders and the board of the Magic Market for their ingenuity and community spirit, and will he reiterate the Department's long-standing commitment to small traders and entrepreneurs, who will be essential in rebuilding our post-covid economy?

Alok Sharma: I am absolutely delighted to offer my congratulations to Heywood Magic Market, and everyone involved with this initiative, on demonstrating such

innovation. As my hon. Friend knows, in May I announced the discretionary grant scheme to support market traders. We absolutely back entrepreneurs and innovators in Heywood and Middleton and across the country. The Conservative party has always been the party of business, and we will always continue to be the party of business.

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 three minutes.

12.28 pm

Sitting suspended.

Students' Return to Universities

12.32 pm

The Secretary of State for Education (Gavin Williamson): With permission, Mr Speaker, I would like to make a statement regarding the return of students to universities. Throughout this pandemic, our priority has always been to keep young people as safe as possible while they continue to learn. It is this commitment to learning and skills that has led the Prime Minister to announce today that, through our lifetime skills guarantee, we will upgrade further education colleges across the country with huge capital investment. We will expand the apprenticeship offer, we will fund valuable free technical courses for adults equivalent to A-level, and we will extend our digital boot camps. We will expand and transform the funding system so that it is as easy for a student to get a loan for a higher technical course as for a university degree. The Government will give everyone a flexible, lifelong loan entitlement to four years of post-18 education, so that adults will be able to retrain with high-level technical courses instead of being trapped in unemployment.

At the beginning of September, we saw the successful reopening of our schools and colleges. Universities have been working just as hard to make campuses as safe as possible, including through enhanced cleaning measures, social distancing on campuses and changes to timetables to stagger and manage attendance on site. We have now seen the new intake of first-year students who are beginning a new chapter in their lives at university, together with those who are returning to carry on their studies. I know that this will not be the start that any of them would have wanted or expected, and I would just like to say that I am pleased to see that universities and students have followed the guidance in a responsible way, putting themselves, their friends and the local community in a safe place and out of harm's way.

Students, as well as the wider community, accept that when we are living in a global pandemic we have to operate in a society with restrictions, but I do not believe we should look to inflict stricter measures on students or expect higher standards of behaviour from them than we would from any other section of society; there must be a parity. The decision to keep universities open and all our students learning has been a result of an enormous team effort throughout the university and higher education sector. We have drawn on the expertise of the HE taskforce that we set up, and we have been providing robust public health advice and regular updates to the sector to help it to plan carefully to keep students and staff as safe as possible. As with all our education settings, we will continue monitoring the situation closely and will follow the latest scientific advice, adapting policies as the situation changes.

I know there has been some anxiety about the impact safety measures will have on the Christmas holidays. Students are important members of the communities they choose to study in. We expect them to follow the same guidance as those local communities. We will work with universities to make sure that all students are supported to return home safely and spend Christmas with their loved ones if they choose to do so. It is essential that we put in place measures to ensure that that can happen, while minimising the risk of transmission. Where there are specific circumstances that warrant it,

there may be a requirement for some students to self-isolate at the end of term, and we will be working with the sector to ensure that will be possible, including by ending in-person learning early if that is deemed to be necessary. My Department will publish this guidance shortly, so that every student will be able to spend Christmas with their family.

Where students choose to stay in their university accommodation over Christmas, universities should continue making sure that they are safe and well looked after. Of course, it is inevitable there will be cases of covid occurring in universities, just as there are in our wider communities and the constituencies we represent, but we believe that universities are very well-prepared to handle any outbreaks as they arise, and we have been working with the sector and Public Health England to make sure that they have every support and assistance they need should this happen. I have been impressed by the steps that our universities have been taking, working hand in glove with local authorities and local public health teams to safeguard students and staff. All our universities have local outbreak plans, and all of those have been discussed with local directors of public health.

It is essential that we continue to allow our students to have face-to-face teaching wherever possible, as part of a blended learning approach. I have heard the Opposition call for all learning to move online. Although online learning is a highly effective part of the learning experience, many courses, including medicine and dentistry, as well as the creative arts, require a face-to-face element. That is why our guidance, published on 11 September, set out a tiered approach in higher education.¹ Tiers enable a balance of face-to-face and online learning within the context of the covid risk, and will operate alongside local restrictions that are placed on the wider community in the area that the university is in.

I would now like to mention the latest position regarding testing for students. We have been working with the Department of Health and Social Care to make sure that the testing capacity is sufficient and appropriate for universities, and I am sure the House will be aware that the Department has now launched the NHS covid-19 app. The Department continues to make more testing available, and the vast majority of people can get a test locally. The Department is also increasing the number of local testing sites and laboratories, adding new Lighthouse laboratories in Newport and Charnwood to the national lab network, as well as additional walk-in centres being planned. While we know that testing capacity is the highest it has ever been, we are still seeing a significant demand for tests. It is vital that staff and students at universities, like any other member of society, get a test only if they develop coronavirus symptoms or if advised to do so by a clinician or a public health official.

I am aware that going to university can be a stressful time for some students, many of whom will be living away from their family and friends for the first time in their lives. This year will undoubtedly see added pressures because of disruption and uncertainty caused by the global pandemic, and we must be mindful of how that will affect the mental health and wellbeing of students. Many universities have bolstered existing mental health services and offer alternatives to face-to-face consultations. Once again, I would like to thank staff at universities and colleges who have responded so quickly and creatively to the need to transform those essential services.

1. [Official Report, 30 September 2020, Vol. 681, c. 6MC.]

We have asked universities to provide additional help and practical support to students as well, and I am pleased to say that universities are making sure students who are isolating are properly cared for and can access food and medical and cleaning supplies if needed. Student accommodation and support services will be a vital resource if any student has to isolate and for students generally during the whole period of the pandemic. As well as providing support for those in halls of residence, universities will make sure that students who live in houses in multiple occupation away from campus will still have access to advice and support if they need it. Universities are also able to call on £256 million provided by the Government for hardship funding for students who have to isolate.

The Government have taken a conscious decision to prioritise education. We know how fundamental a good education is to opportunity, to aspiration and to social mobility.

That is why we opened schools, and why over 99.8% of schools are now open, delivering education to our children. Delivering education and the opportunity to go to university is equally important for those youngsters who have left college or school as well. We will never be in a position where we can eliminate all risk, but we will not condemn a generation of young people by asking them to put their lives on hold for months or years ahead. We believe that universities are very well prepared to handle any outbreaks as they arise. I commend this statement to the House.

12.43 pm

Kate Green (Stretford and Urmston) (Lab): I thank the Secretary of State for his statement and for advance sight of it. I am glad that, after a decade of slashing funding for further education, the Conservatives have recognised that this is an important sector for life chances and for our economy. I would like to work constructively with the Government to get this right, but their continued reliance on loans to fund education and the fact that the funding will not come on stream for many more months as we head for an unemployment crisis, are deeply concerning.

The situation as students return to university is desperately worrying. Across the country, many find themselves in isolated and cramped accommodation, parents are worried about their well-being and safety, and university staff who have worked so hard over the summer to prepare are anxious and angry that the Government did not keep their part of the bargain. They have all been let down by the Government, just as they let down many of the same students with their handling of exam results last month.

What students, staff and their families need now is reassurance. Nineteen days ago—the last time the Secretary of State commented on the situation at universities—he stressed the importance of delivering clear messages to students, and I hope he will use the opportunity of answering my questions today to do that.

Everybody knew that the return of students to universities would present significant challenges—SAGE warned of the impact weeks ago. What planning was put in place over the summer to ensure students would be able to return safely? Universities have stressed the importance of being able to work closely with local public health teams, so why did it take the Secretary of State and the

Health Secretary until last Wednesday to write to local directors of public health about the return of university students?

What is the Secretary of State's message to those students who have not yet moved to campus? They need clarity, should they do so. What urgent steps is he taking to ensure that every student can get the best possible education, whether they are at home or on campus? How many students are currently unable to learn remotely because of a lack of digital access or devices, and what is he doing to address that? What extra support will be given to students with special educational needs and disabilities? He is right that some courses require face-to-face teaching, but has he considered supporting universities to move all teaching online, where this is possible, at least for this first term?

For weeks now, Labour has warned the Government that they must get a grip on testing and tracing if we are to reduce the spread of the virus, and the failure to do so lies at the root of this situation. Sorting it must be the Government's top priority. In his statement, the Secretary of State said that only those with symptoms should try to get a test. That will leave many without symptoms in self-isolation in difficult circumstances. Can he tell us how many students, staff and members of the community around universities have symptoms but are waiting for a test? What is the local testing capacity in each community with a university, and is he confident that it will be sufficient if there is a spike cases? Some universities have taken the lead where the Government have failed, and have begun to develop their own testing capacity. What support is the Secretary of State offering those institutions and others that wish to do this?

We cannot forget that, at the heart of this crisis, are thousands of young people—many away from home for the first time, and many now isolated with a group of people who are practically strangers. We can only imagine how hard it is for them. The Secretary of State said he has asked universities to provide additional help, but beyond asking, what will his Department do to help them? I am glad he has listened to Labour and finally given a straight answer on reuniting students and their families over Christmas, but why did it take several days and repeated contradictions from his ministerial colleagues?

In conclusion, the crisis now threatening our universities was predictable, and it was predicted. Today, the Secretary of State failed to outline a plan to get testing fit for purpose, failed to commit that every student who needs access to remote learning will get it, and had no plan to ensure the future of our universities. If he does not get a grip, the situation we have seen in recent days could repeat itself across the country. Students will be unable to continue their studies, families will be concerned for their wellbeing and universities will face serious financial difficulties—and the Secretary of State will once again have let young people down as a result of his incompetence.

Gavin Williamson: I thank the hon. Lady for her questions. I am glad she welcomes the announcements on further education. The changes we want to drive in further education are absolutely vital to ensure that our country is in the right place to seize new opportunities now that we have exited the European Union and to make sure our youngsters, and people of all ages,

[Gavin Williamson]

have the skills they need to drive productivity in this country and ensure that they get the very most out of their lives.

The hon. Lady mentioned the advice from SAGE. Understandably, we wanted to update the advice we had issued on 2 July on the return of universities and higher education institutions following the conclusions of SAGE, which we did. That took into account the issues that SAGE had raised and some of the suggestions that it had put forward. SAGE also warned about the impact of youngsters not going to university and of having the opportunity to return taken away from them. That was recognised across all four nations of the United Kingdom—how important it is for youngsters to be able to go to study at university.

The hon. Lady raises an important point about digital access. I am sorry that she missed the announcement that we have made £100 million available for universities to use to ensure that youngsters have digital access, including students from the most deprived backgrounds, who would perhaps not be in a position to access courses. It is vital that if we are in a situation where people will have blended learning, all students are able to access it. We are taking seriously some of the challenges that all students and universities will face, which is why we have made £256 million available to make sure that where students are facing real hardship, universities can access funding to help them.

I thank the Minister for Universities, my hon. Friend the Member for Chippenham (Michelle Donelan), who has been in regular touch with universities over the last few days. A small number of universities have seen a number of coronavirus cases—it is not uncommon in communities across the country. She has been in touch with them to make sure that they know we are there to support them and give them any help that is required. We must not forget, however, that hundreds of thousands—almost a million—students have safely returned to university over the last few weeks. They will start their studies and benefit from a brilliant, world-class university education.

Sir Edward Leigh (Gainsborough) (Con): Will the Secretary of State confirm that a proportionate response means that students have a right to their course and to face-to-face education? All of us, including older people such as myself, must take personal responsibility. We cannot destroy the life chances of the young. If someone is doing a history degree, they cannot be condemned to permanent online teaching. They might as well sit at home; why have they paid all that money? Will he confirm that, of course, students must self-isolate if they get ill, but we cannot have whole halls of residence being locked down? That is not the sort of university that we all want—a place of light and learning, not enforced lockdowns.

Gavin Williamson: We expect students to follow the same rules as we ask everyone in society to follow. Those who have tested positive for covid or have been in close contact with someone who has would understandably be asked to self-isolate. Universities are working closely with local public health teams to ensure that that happens. We always want to ensure that there is a sensible and

proportionate response to ensure that students are able to go about their business and continue their learning online and, importantly, face to face.

Carol Monaghan (Glasgow North West) (SNP) [V]: I start by declaring an interest: my son is currently at university having to deal with online lessons and my husband teaches in a university.

Unfortunately, covid is only one of the challenges facing universities, with a hard Brexit fast approaching. I start by joining the Secretary of State in praising the steps that universities have put in place to keep staff and students safe through blended and online lessons and mental health support. I hope he will join me in recognising the support that has been given by individual universities such as Glasgow, which will refund one month's rent for any student having to self-isolate in halls, and Dundee University, which is offering free accommodation to international students who have to quarantine. Students and young people should not be blamed for the rise in cases. The vast majority are complying entirely with the guidance.

While Scottish students attend university in Scotland for free and therefore are not financially impacted by fees, students in England will pay over £9,000 for a mostly online education. This is clearly the time to reflect on the fee-paying structure of higher education and consider following Scotland's example of free higher education for all. What discussions has the Secretary of State had with Cabinet colleagues on reducing fees and increasing Government funding to universities? We know that there have been issues in accessing tests in England, and that can be more acute for students, who may not have the ability to travel to testing centres. What steps is he taking to set up on-campus tests for students?

Finally, in the Science and Technology Committee earlier this month, the principal of Glasgow University, Professor Sir Anton Muscatelli, described the R&D road map published by the Government in July as a "very high-level document" that

"needs to be turned into a definitive plan very quickly",

with clarity given on the Government's exact plans for investment. Could the Secretary of State set out when details of the road map will be released?

Gavin Williamson: I thank the hon. Lady for her many comments. I know that both the University of Glasgow and Glasgow Caledonian, which neighbour her constituency, have been doing an awful lot of work in welcoming students from all four parts of the United Kingdom. That demonstrates how important the United Kingdom is for all universities to succeed, in terms of collaboration.

I thank the hon. Lady for putting forward policy suggestions for future Conservative party manifestos. We want to ensure that universities are properly funded, so that they are able to have world-class facilities that can beat other universities anywhere in the world. Universities in Scotland also benefit from the UK finance system, as do Scottish students. In terms of test and trace, we continue to work—

Mr Speaker: Order. It might be helpful to remind the Secretary of State that answers and questions are meant to come through me. Addressing the SNP Chief Whip is not quite what we need. Please remember to speak through the Chair.

Gavin Williamson: I apologise, Mr Speaker. I spent so long with the SNP Chief Whip when we were Chief Whips together that I naturally gravitate to him and have a lovely conversation with him. Old habits die hard, but I will ignore the hon. Member for Glasgow North (Patrick Grady).

In our work with universities, we recognise that we are dealing with a fluid situation. We are working with the test and trace system to ensure that there is availability for all students to access testing at universities, close to their residence.

Jack Brereton (Stoke-on-Trent South) (Con): I know that locally, Keele University and Staffordshire University have been working extremely hard during the pandemic to support students. Does my right hon. Friend agree that, despite the challenges we face, everything possible must be done to ensure that students get as enriching an experience as possible this year?

Gavin Williamson: I pay tribute to those two great universities from Staffordshire, the University of Staffordshire and the University of Keele, for all they have done to give a warm welcome to all students and ensure that they can progress their life chances and have the opportunity to learn. We want all youngsters in all four nations of the United Kingdom to have that opportunity.

Lucy Powell (Manchester Central) (Lab/Co-op): What we have seen this week in two halls of residence in my constituency sums up everything that the Government are getting wrong in handling this crisis: no planning over the summer and no foresight, even though it was obvious that halls of residence would be the main area of risk; confused messages that even the Secretary of State's own Ministers cannot keep track of, let alone 18-year-olds arriving in our city from different parts of the country; and a woeful lack of quick testing, which could have helped us to avoid this situation. When will his Government get a grip, especially of the testing regime, so that others do not have to face restrictions because he has lost control?

Gavin Williamson: The hon. Lady is probably aware that we are doing more tests a day than ever before: 225,000 tests every single day. We are increasing the testing capacity to 500,000 by the end of next month. We recognise that this has to be targeted in areas of high need, such as the areas the hon. Lady has highlighted, but we will be asking—[*Interruption.*] If the hon. Lady is going to ask questions, she may want to have the opportunity to hear the answers.

We are asking students, where they get tested and there is a positive test, to self-isolate and, as in the wider community, that the immediate contacts also self-isolate. However, we do recognise how important it is for universities to be able to provide support for those youngsters—I touched on this in my statement—with food and cleaning products, and other support that may be available. My hon. Friend the Universities Minister spoke to the vice-chancellor of Manchester Metropolitan just yesterday, making clear our offer of support—we are there, standing behind universities and helping them to support their students—which is so critical. I know that is a view both the hon. Lady and I share.

Mr Mark Harper (Forest of Dean) (Con): One of the things that has worried a lot of university students is the idea that, if they either test positive or are a contact of someone who tests positive, they might have to self-isolate, even over Christmas, in their university accommodation, and I am glad the Secretary of State confirmed that we will treat university students like everyone else. The regulations yesterday confirm that people can self-isolate not just at their own home, but at the home of a friend or family member, so someone could return to a family home if that was appropriate. To reassure university students, can he confirm that they will be able to do that and will not be trapped in their university accommodation for the period of self-isolation?

Gavin Williamson: We are very conscious that a lot of students—most students—will not want to be in university accommodation over the Christmas period. We will be setting out quite clearly how that will be avoided, so any students who do not want to be in that position will be able to be at home with their loved ones. We will make sure that all students who want to return home are able to do so.

Daisy Cooper (St Albans) (LD): There are lots of very worrying reports that young people are scared, confused, isolated and vulnerable to mental ill health, so could the Secretary of State please confirm on what date specifically he knew that some universities were planning to put groups of students in quarantine and on what date specifically he first discussed asking them to put measures in place so that every student had access to mental health support?

Gavin Williamson: The work on mental health support started right at the start of this covid crisis. We made sure that we put in place measures to support students and to put the whole education community at the heart of what we do, recognising the importance of dealing with mental health issues. If we look back at the guidance issued on 2 July and the guidance issued on 11 September, we can see that there was always a recognition that people who tested positive for covid would need to self-isolate. Those people who have been in close contact with those who test positive—not dissimilar to what we would see in workplaces and other educational settings—would also have to isolate as a result.

Damian Hinds (East Hampshire) (Con): Following on from that, for many young people, even in a normal year, this is a difficult time of transition—moving to independent study and living, managing finances, meeting new people, and all in unfamiliar surroundings—and a lot of great work is done by universities and the likes of Student Minds, for example. Could my right hon. Friend say a little bit more about the support that is available, and about how it is being stepped up in universities and can be stepped up to fully support our young people?

Gavin Williamson: An amazing amount of work is done by every single university, but there has also been a recognition by the Office for Students that there may be gaps. That is why the Office for Students has stepped in to ensure that where students find that there is not that type of provision, something is provided for them, so that no student is in a position of not being supported.

[Gavin Williamson]

It is incredibly important that all students understand that support is available to them for them to be able to enjoy their time at university and succeed in their studies.

Sammy Wilson (East Antrim) (DUP): The climate of fear deliberately created by Ministers and their advisers has done untold damage to individuals and to the economy as a whole, and has now hit students and universities, with lock-ups of students and students being denied face-to-face education and unable to engage in the activities we normally associate with student life. Yet they are expected to pay the full price for this substandard opportunity in higher education. Does the Secretary of State think it is fair that universities still hold on to the money paid by students when they are not offering the student experience that they promised? Will he clarify whether the direction that students can go home at Christmas was a result of Government guidance or a decision by universities themselves?

Gavin Williamson: As the right hon. Gentleman will know, it was guidance issued by Government and a decision of Government, because obviously any actions that are taken have to be taken in the context of dealing with covid right across the United Kingdom. I am sure that he will have taken the time to read the guidance that we issued on 11 September and studied it in detail. He will have seen the four tiers that we set out to ensure that students benefit from the maximum amount of learning face to face with their lecturers so that every student gets the very best experience that can be made available to them in all universities in England.

Mark Logan (Bolton North East) (Con): It is right that we are keeping universities such as the University of Bolton open. What assurances can my right hon. Friend give that efforts are being made, first, to stymie perpetually enforced self-isolation within the student community, and secondly, to ward off financial ruin caused by unsubstantiated scaremongering on things such as closing down Christmas for students?

Gavin Williamson: I pay tribute to the University of Bolton for all the work that it has been doing in order to be able to welcome back its many thousands of students. The University of Bolton plays an important role in providing education not just for students who have travelled internationally and across the country but locally for many young people. We will continue to work with the University of Bolton to ensure that people understand how the rules are applied. We need to make sure that people understand who needs to isolate and how long they should be isolating for, but equally, they need to understand that many young people can go about their normal business while observing the restrictions and courtesies that we ask all universities and all people within society to observe.

Yasmin Qureshi (Bolton South East) (Lab) [V]: What concrete action did the Secretary of State put in place over the summer to ensure that all students and staff requiring a covid test will be able to have one?

Gavin Williamson: As I mentioned, we continue to work with the Department of Health and Social Care and with Test and Trace to expand the footprint of

testing facilities, which are going to be increased to 500. We are making sure that all universities are within walking distance of a testing centre. Many universities will be making some of their facilities available so that testing centres can be placed there. We have also had assurances from the Department of Health and Social Care in terms of mobile testing facilities that will be made available if there are any local outbreaks and that is required.

Jerome Mayhew (Broadland) (Con): Surely the right approach is that, despite the virus, we all have to get on with our lives as best we can, and that includes students. Does my right hon. Friend agree that starting the academic year on time was exactly the right decision, and that social distancing and isolation rules that apply to the rest of us need to apply to adult students, no more, no less?

Gavin Williamson: My hon. Friend is absolutely right. There should be the same set of rules across the board. There is a real cost to not opening up our universities, as there is a cost to not opening up our schools. The cost is not in money: it is in the missed opportunities for those youngsters who want to study to be a doctor, a dentist, a nurse or a teacher, or to train to become an engineer. Denying them the opportunity to be able to return, to learn and to have the opportunities that so many in this House have had would do them an injustice. That is why it has been right to make sure that young people are able to go back to university and benefit from what so many Members in this House have also benefited from.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): First-year students have already had to endure the Government's chaotic handling of A-level results and now the predictable campus outbreaks, but without sufficient testing or support in place, and the very distressing threat to them and their worried parents that they might not be able to return for Christmas. Will the Secretary of State clarify the point in his statement where he talks about ending learning early? Is he proposing now that all students should have to self-isolate at the end of term, so that they can return safely for Christmas? If so, why not, instead, pursue mass testing with universities so that those students can safely go about their lives and return safely home?

Gavin Williamson: The right hon. Lady obviously listened to only a part of the statement. I said that all youngsters who want to be able to return home will be able to do so. We will look at where there are specific cases. She will be fully aware that many universities end at different times for Christmas, but, where there are specific cases and specific local circumstances, we will be working with the university sector to look at shifting to online learning solely to be able to ensure that all students have the benefit of being able to return home to be with their families for Christmas. We envisage that that will cover only a very small number of universities.

Laura Trott (Sevenoaks) (Con): I am glad the Secretary of State has confirmed that face-to-face learning will continue where possible, but in some cases students will be paying full fees for what are now only online courses. The financial burden must be shared with universities,

so can he ask the Office for Students to confirm, and strongly advise, that university bonuses should not be paid out unless fees are lowered?

Gavin Williamson: My hon. Friend raises an incredibly important point. We have had an issue of excessive vice-chancellor pay and bonuses for quite a long time. I will be asking the Office for Students to look at this and give very strong and clear steers on this matter to ensure that no bonuses are going out as a result of this crisis.

Justin Madders (Ellesmere Port and Neston) (Lab): I declare an interest: my son has started university in the past week or so. He has not had to self-isolate yet, but a lot of his friends have and I will tell the Secretary of State what they are saying. They are saying that this is exactly the same as the A-level debacle. It was completely predictable and completely avoidable. They have lost confidence in the Secretary of State being able to deliver a safe education. What can he say to them to ensure that, moving forward, they can have confidence that this pattern will not be repeated for the next six months?

Gavin Williamson: I very much hope that the hon. Member's son is enjoying his time at university and the opportunities that it will open up. We have always been clear that, if youngsters contract covid, they will have to self-isolate. We have also been clear that, where students have been in close contact with people who have covid, they will also have to self-isolate. Those are the rules that we expect everyone right across the country to abide by, so it is right that we also expect that of students. What he would see, if he had taken the time to read the guidance that we issued both on 2 July and the 11 September and the additional work and support made available to universities, is that we recognised that there were going to be challenges as a result of this. That is why we have worked with the university sector and asked it to reduce the risk as much as possible, so that young people are able to have the benefits of university and their learning is not impacted by covid—or the impact is minimised.

Sir David Evennett (Bexleyheath and Crayford) (Con) [V]: I welcome my right hon. Friend's statement. Education is essential for opportunity and social mobility. The role of further education colleges is absolutely vital, as I am sure he will endorse. Does he agree that it is right to prioritise education by keeping schools, colleges and universities open, and that we cannot ask young people put their lives on hold for months?

Gavin Williamson: As someone who has worked in the FE sector and feels so passionately about it and about the opportunities that not just further education but higher education and all schools provide all our youngsters, my right hon. Friend is absolutely right to advocate the importance of opening not just our universities but our schools and colleges at the earliest opportunity. Let us not forget that when we suggested opening schools on 1 June, the Labour party opposed that. When we issued guidance on 2 July to see the full opening of all schools in September, the Labour party opposed that. The Labour party does not come forward with positive suggestions; it just tries to politicise a global pandemic, in the words of the hon. Member for Stretford and Urmston (Kate Green).

Rushanara Ali (Bethnal Green and Bow) (Lab): The Secretary of State presided over the GCSE and A-level fiasco over the summer. That was a dog's breakfast, and now he is not able to guarantee students testing when they need it. The World Health Organisation has called for testing since March, yet this Government have shown nothing but incompetence. Can the Secretary of State give a straight answer and guarantee that every student who needs a test will get it, instead of this fiasco that he presided over right through the summer? He has failed to prepare and plan. He needs to do his job.

Gavin Williamson: The hon. Lady is probably aware that in order to be able to access testing, someone has to be symptomatic. That is where the testing is most likely to produce the most accurate results. Those guidelines are produced by the Department of Health and Social Care, and I would be very happy for my office to forward them on so she can better understand them.

Dame Cheryl Gillan (Chesham and Amersham) (Con) [V]: I welcome my right hon. Friend's statement and also the Prime Minister's statement today. Training and retraining have never been more important than in our now rapidly changing economy. But with parents worried about the cost of university accommodation—they often act as guarantors—and students worried about the heavy debt they will have to repay after university, as well as the paucity or even trauma of their university experience due to lockdown, will my right hon. Friend champion two-year degree courses, such as those offered by our own excellent Buckingham University, which ensure academic excellence and achievement at a much lower cost to students and families?

Gavin Williamson: The pioneering work that has been undertaken by the University of Buckingham and its vice-chancellor, the brilliant Sir Anthony Seldon, who has done so much for education in this country, is something to behold and something that I would like to see more universities copy. We need to ensure that young people understand that there is not only one option available to them at the age of 18, that going to university is not the only way to succeed. There are so many opportunities, including pursuing an apprenticeship or even a degree apprenticeship, or going on to one of our brilliant further education colleges. Expanding the breadth of that choice is one of the key missions of this party. We recognise that that is how we will level up opportunity for all youngsters in this country.

Beth Winter (Cynon Valley) (Lab): In April, a report commissioned by the University and College Union on the impact of the covid pandemic found that universities were facing a funding black hole of £2.5 billion in 2020-21, and students still graduate with average debt in excess of £50,000. Calls for an urgent sector-wide funding guarantee have fallen on deaf ears, and we now face the covid crisis in the university sector, putting lives at risk. This was avoidable. Will the Secretary of State now listen and act on the advice of experts by making online learning accessible to all, enabling students to go home without fear of financial penalty, and providing the sector and students with proper funding?

Gavin Williamson: The hon. Lady is maybe not aware that we have taken a number of actions to support the sector, including changes and improvements in research

[Gavin Williamson]

funding, making sure that we continue to protect the vital scientific research base in which we are truly a world leader; the actions that we took before the summer to bring stability to the sector; and working with Universities UK to ensure that the profiling of money to universities works best for them and gives them stability to be able to provide for young people, not just in England but hopefully also with benefits in Wales.

Jane Hunt (Loughborough) (Con): I would like to thank the Secretary of State and the Minister for Universities, my hon. Friend the Member for Chippenham (Michelle Donelan), for their work on getting students back to university as soon as possible. It is very important that students are able to continue their studies with as little disruption as possible, and the university is the largest employer in Loughborough. I would therefore welcome the Ministers' comments on the steps being taken to ensure that students can now safely remain on campus for the duration of their courses.

Gavin Williamson: I know the wonderful work that the University of Loughborough has been undertaking, and the fact that it is in *The Times'* guide to the top 10 universities in the United Kingdom is testament to the amazing work that it is undertaking. My hon. Friend is absolutely right to say that students want to go to university to get the most out of the experience at university, and that is why the unprecedented measures that our universities have taken to create a safe and secure environment, so that students can benefit from being at university all the way through the year, are so important. We will continue to work with universities such as Loughborough to provide that to all students.

Ben Lake (Ceredigion) (PC): The Secretary of State said in his statement that face-to-face teaching should continue wherever possible within the context of covid risk and local restrictions. Should the local context or restrictions require a university to move teaching online completely, however, will the Government ensure that neither the university nor its students will be punished financially for doing the right thing?

Gavin Williamson: We continue to work with the sector to ensure that there is the very best quality of teaching. If youngsters have an issue with the quality of teaching, the Office for Students has made it absolutely clear that it will investigate this and take action where it is required against universities that are not delivering what is in their contract with the students.

Mrs Maria Miller (Basingstoke) (Con): I welcome my right hon. Friend's statement. Our fiercely independent universities are rapidly adapting to this new way of operating so that thousands of young people who have been hard hit by coronavirus can get on with their lives after six months of the pandemic, and I think they deserve all our support. However, many of those students might have planned to use the summer months to earn money to support themselves through university or, indeed, they might have been looking for part-time work while they were studying as a way of ensuring that they could support themselves through these important years of their lives. I am interested to hear from my

right hon. Friend what additional work the universities will be doing to ensure that those students who are working hard will be able to get the support they need if they hit financial hardship.

Gavin Williamson: Quite rightly, both this Government and the previous Labour Government put a really high value on ensuring that students who started their studies were able to complete them. The ways in which universities ensure that that happens is something that we monitor closely. We have worked with the Office for Students to ensure that hardship funding is available. That is part of a quarter of a billion pound package that was made available to universities so that proper assessments could be made of students if they required that support. The Student Loans Company also offers a system whereby extra maintenance support can be made available through individual assessment if a student chooses to go down that route.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): While people can pin the exam results fiasco on the Education Secretary, they certainly cannot blame him for the shambolic privatised test and trace system, which is being personally led by the Prime Minister, his chief adviser and the Health Secretary, and which has put the lives of our young people and their families at risk. Given that many of us fear an increased university drop-out rate among students, along with increased stress and mental health issues, can the Secretary of State promise that every student will have access to tests so that they can travel home safely, especially for Christmas?

Gavin Williamson: As we have made clear, we want to ensure that all students who wish to do so can return home safely for Christmas. We and the university sector are confident that the best way of keeping students and young people engaged in their studies is for them to be part of the university community; that is an important step towards ensuring that we do not see high drop-out rates. As I have said, both the hon. Gentleman's party and my own have always put a great emphasis on the need to ensure that youngsters complete their studies, to ensure that they get something incredibly important from the investment that they make, because this will stand them in good stead to achieve the very best in life. We will continue to work with the sector to give young people the support that is required in these times that are much more challenging than any of us thought we would ever have to face.

Brendan Clarke-Smith (Bassetlaw) (Con): We are rightly proud that the UK attracts so many international students who come to our country every year to study. Will my right hon. Friend tell me what steps his Department is taking to support those students during these unprecedented times?

Gavin Williamson: We have been working closely with the whole university sector to reach out to nations right across the world to make them understand not only that we have the best universities in the world and so many of the best research and teaching universities, but that we offer a brilliant lived experience of being here in the United Kingdom and the opportunity of post-study visas, which are incredibly important. We have also been working with the Home Office to ensure that visa applications are done well and quickly, and ensuring

that we have a campaign reaching out to those nations to make sure that youngsters there understand that this is a great country to study in.

Lilian Greenwood (Nottingham South) (Lab): As the Secretary of State said, most university courses this academic year will now involve a blend of online and face-to-face teaching, but it is clear that those proportions might change in response to circumstances. An informal survey conducted by Disabled Students UK shows that changing learning set-ups can cause anxiety and fatigue. Many disabled students also experience issues with pre-existing conditions flaring up when they are adjusting to a new study environment, and excessive screen time can be problematic for people with some conditions. Disabled students and those with chronic conditions might also be more fearful of attending in-person classes. Will the Secretary of State assure the House that every student has the equipment and support they need to learn remotely and that the needs of disabled students are not an afterthought?

Gavin Williamson: The hon. Lady rightly raises an important point, and under equalities legislation there is a duty on universities to ensure that there is proper and fair provision for all students. That is what we would expect from all universities. I wonder whether she would be kind enough to share with me the details of the survey. I know that my hon. Friend the Minister for Universities would very much like to follow this up in a meeting with her to discuss it in more detail. As we have touched upon in terms of the availability of devices and the £100 million fund, I certainly hope that youngsters who are suffering with disability would be a top priority for any university, but I look forward to my hon. Friend taking this further in discussions with the hon. Lady and hopefully offering her full and total reassurance on that matter.

Ben Bradley (Mansfield) (Con): Much has been made of the short-term impact on students and on universities, but there is a long-term impact too, and we have known for a while that for increasing numbers of university students the graduate outcomes are not great. This health crisis is only going to exacerbate that problem, so will my right hon. Friend take this opportunity to examine the choices that we are offering to young people as they leave school and what the proper role for universities in our education system might be?

Gavin Williamson: My hon. Friend knows very well that, while I am a passionate advocate for universities, I cannot help feeling that we must never ignore the great opportunities that are offered through our further education colleges and through apprenticeship routes. For far too long, this area has been ignored. We need to see changes, we need to see improvement and we have to make sure young people realise that sometimes these opportunities are as good as, and in some cases much better than, going to university. That is what we are looking at delivering and what we are going to deliver as part of this Government's agenda.

Richard Burgon (Leeds East) (Lab) [V]: The blame for the coronavirus outbreak on campuses lies squarely with the Government's decision to ignore their own evidence warning that face-to-face teaching and halls of

residence were areas of risk. Independent SAGE has called for all teaching to be moved online, as has the University and College Union, the staff union. By choosing not to do so, are the Government not putting student and staff safety at risk simply to uphold a broken university model, as they fear that online teaching would lead to demands for fee or rent refunds?

Gavin Williamson: I am always grateful to get a direct question from the UCU, but I can assure the hon. Gentleman that that is not the case.

Mr Richard Holden (North West Durham) (Con): Schools, further education colleges and universities in and around my constituency are doing all they can to get great, positive educational outcomes for the young people they are looking after in these difficult times. Will the Secretary of State confirm that he will be devoting 100% of his efforts to the education of Britain's children and young people, rather than seeing the global coronavirus pandemic as a "good crisis" and an opportunity to score political points, which is, sadly, the stated position of the Opposition Front Bencher?

Gavin Williamson: I certainly know that my hon. Friend is putting 100% into representing his constituents in North West Durham and making sure their voice is heard in this Chamber, including on driving changes and improvement to Derwentside College to make sure that youngsters get the very best opportunity, as, far too often, it had been neglected in the past. He is absolutely right to say that Government Members are 100% committed to making sure young people get the very best in education, as against constantly taking the line of trade unions and trying to find excuses not to do things.

Jim Shannon (Strangford) (DUP): I thank the Secretary of State for his replies thus far. Will he outline what has been done in tandem with hospitals to ensure that fourth-year medical students can get hands-on practice, bearing in mind that many are reporting that they are being excluded from normal mentoring and in-room observation as a result of social distancing protocol? How will he ensure that the doctors of the future have the complete, rounded education that is vital for their ability to practise medicine?

Gavin Williamson: This is incredibly vital, for all four nations of the UK. We have been doing a lot of work with the Department of Health and Social Care to make sure that that is made available to all medical students in England. I will take up this issue again with the Health Secretary, as well as with the devolved Health Minister in Northern Ireland, to ensure that that is being delivered. If we want to continue to ensure that we have our world-class NHS, we have to ensure that that pipeline of brilliant doctors, nurses and clinicians continues to be provided for it through our universities.

Felicity Buchan (Kensington) (Con): I am delighted to have Imperial College London partly in my constituency. Will my right hon. Friend assure me that he will give all the support necessary to our world-class educational establishments and that we will do everything to ensure that our students get as normal an education as possible in these difficult circumstances?

Gavin Williamson: Imperial College is one of the great shining lights of our university sector, known around the world for its excellence. My hon. Friend the Minister for Universities visited Imperial College just the other week, seeing at first hand not only some of the measures it was putting in place to ensure that students could return safely, but some of its world-leading work that gives it the reputation it rightfully has. It is important that we continue to work with the sector to do everything possible to ensure not only that students have the quality of experience, but, most importantly, that they can continue to benefit from the brilliant learning and research that is at the very heart of great universities such as Imperial.

Hilary Benn (Leeds Central) (Lab): It was the Health Secretary's refusal last week to rule out students not being able to return home for Christmas that caused a great deal of distress to students and indeed to parents, so the Education Secretary's clear statement today that students will be able to go home will be welcome. However, may I bring him back to the question put to him by the right hon. Member for Forest of Dean (Mr Harper), which I do not think he quite answered? Under the current rules, can students go home to self-isolate?

Gavin Williamson: We will be setting out clear guidance in terms of students and making sure that that fits within the broader guidance right across the country that is available for the wider population as well.

Peter Gibson (Darlington) (Con): As my right hon. Friend knows, education is fundamental to improving opportunities and driving social mobility. It is right that he has done all that he can to reopen education. However, many parents in Darlington are concerned that their children will not be able to return home for Christmas. Although we welcome his announcement today, may I urge him to do all he can to ensure that the fear of missing out on Christmas does not jeopardise our students' first term?

Gavin Williamson: We all know the importance that we all place on being with our families at Christmas, and it is vital that we set out clearly that we are going to ensure that all students can do so this Christmas. We have to set that in the context of what is happening nationally, and we will work with the Department of Health and the university sector to ensure that all those youngsters who are currently studying and want to return to their loved ones can do so—not just in Darlington, but right across the country.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): The Secretary of State says that his Government prioritise education and that he stands behind universities, but he knows that the only financial support the sector has received is to address the shortfall in scientific research funding, which is critical but does not have an impact on the learning experience. Will he specify the support that Newcastle University in my constituency will receive to ensure that 30,000 students receive a supportive, safe educational experience in a city with the second highest coronavirus infection rate in the country?

Gavin Williamson: I spelt out in the statement the £256 million that was made available for universities to support students to continue their studies. We also

reprofiled student loans to provide support and have continuously worked with the sector. We have set up a restructuring regime for universities that are facing financial hardship and difficulty, so that they can work with us and we can support them.

Aaron Bell (Newcastle-under-Lyme) (Con): Some 2,500 new and returning students arrived at the Keele campus in my constituency in the past week, all accommodated in small and tightly-defined households. I am pleased to say that the vice-chancellor reports no significant issues so far. Will my right hon. Friend join me in welcoming these students to Newcastle-under-Lyme—to Staffordshire? Will he also welcome the sensible approach of Keele University and its blended approach to learning, including through face-to-face teaching, and will he set out what measures his Department has taken to alleviate any concerns that staff and students have, given the recent rise in covid cases?

Gavin Williamson: We all recognise that we are operating in quite unique circumstances, in which we are seeing a rise in the number of coronavirus cases. The work of Keele University—setting out clear policies to welcome students back safely, and into a warm and friendly environment—is critical. Like me, my hon. Friend wants to ensure that universities can benefit from the brilliant experience of studying at Keele and to continue to make Keele one of the great universities to study at.

Zarah Sultana (Coventry South) (Lab): Students are asking why they have been sent to university halls only to be locked in their rooms and to rightly receive online teaching. The University and College Union and the National Union of Students warned what would happen, but the Government ignored them. One answer—maybe a cynical one—is that the marketised higher education system needed students to return. It needed their tuition fees and their rents, and that is why student welfare has been sacrificed. Is the cynic right, or is this straightforward Government incompetence?

Gavin Williamson: I know that the hon. Lady feels passionately about this issue, but we want youngsters to be able to go back to university and benefit from education and learning. As she is aware, it is not just students and those who have been in contact with them who have to get tests and who may have to self-isolate if they are displaying symptoms; it is the whole of society. It is so important that we deal with this as a nation. We cannot have one rule for students and another rule for the rest of the population. This is the right approach, ensuring that we continue to do everything we can to control the virus.

David Johnston (Wantage) (Con): I welcome what my right hon. Friend said about supporting the mental health of students at this time. May I encourage him to ensure support for the employability skills of students, which could easily be neglected with online sessions? Even if it is only online, let us keep them on track for the lives they want after university.

Gavin Williamson: A key metric we always look at is what universities are doing to ensure that students do not just learn but can benefit from that learning and study and bring it into the world of work. That should

not be neglected at this time, but rather there should be a greater emphasis on it. What is the point, if people go to university and are not given the tools to enter employment and fulfil their dreams and ambitions through the work they get on the back of degrees they have achieved?

Bambos Charalambous (Enfield, Southgate) (Lab): Students from my constituency and elsewhere who are away at university for the first time are being put in the impossible situation of facing huge restrictions on their education and social life, but they are still being expected to pay full fees and rent. That is both grossly unjust and unfair. Will the Secretary of State tell me what plans the Government have to address that issue?

Gavin Williamson: As I am sure the hon. Gentleman is aware, anyone who has not been receiving what they should have been receiving, in terms of education and support from a university, can, through the Office for Students, make a complaint. If they are not getting the support and the study they should be entitled to as part of their contract, they are entitled to be reimbursed.

Jonathan Gullis (Stoke-on-Trent North) (Con): I welcome my right hon. Friend's statement. Staffordshire University and Keele University are important local employers for the areas of Stoke-on-Trent North, Kidsgrove, Talke, Newcastle-under-Lyme and across north Staffordshire, as well as a vital lifeline for the local economy. Does my right hon. Friend agree that bringing students back to university for face-to-face learning is also important, so that local economies can thrive?

Gavin Williamson: We all recognise the important role that universities play, in terms of not just direct employment but the innovation they bring to communities and the research they do, which often supports local business. They also train people in skills to enter the workforce not here in London, but in Stoke, Talke, Kidsgrove and many other areas across north Staffordshire. They are an important local employer, and an important part of economic regeneration for many areas up and down the country.

Marion Fellows (Motherwell and Wishaw) (SNP) [V]: Young people have borne a heavy burden throughout the pandemic: financially, emotionally, through the loss of education, and now with a disruptive return to university. Will the Secretary of State use his position to advocate that young people should not also bear the burden of paying for this crisis through fees and accommodation costs for the rest of their lives?

Gavin Williamson: I reassure the hon. Lady that this Government are not going to treat students like the SNP Government did in Scotland, as a different set of citizens and by putting a different set of restrictions on them from those on the wider community. We recognise that we should treat people fairly and equally, so we will not make the SNP's mistakes.

Huw Merriman (Bexhill and Battle) (Con): Mr Speaker, may I start by thanking you for getting all the way through this call list to me, at the bottom of the class?

Will the Secretary of State inject some positivity into the Chamber? Going to university is the most amazing opportunity. Yes, it will be different this year, but our young people are durable and flexible, and they will take the opportunity that is afforded to them in the way that generations before them have. Will he conclude by sending out a message that these young people will power our future generations and economy through these very difficult times?

Gavin Williamson: Mr Speaker, I think you will agree with me that my hon. Friend deserves a first-class degree for that question. He is absolutely right to say that university students will face a different set of circumstances, but going to university opens up so many doors and opportunities, in terms of not just study and what they will learn but the opportunities and friendships they will forge over their period of study.

Mr Speaker: We are not quite finished yet: we have the Chair of the Education Committee to come, Robert Halfon.

Robert Halfon (Harlow) (Con): Thank you, Mr Speaker—much appreciated.

I strongly welcome today's remarkable announcement on skills, which we should all celebrate, and I thank my right hon. Friend, and the Universities Minister, for the work that they are doing on universities. There are 3,000 students, roughly, in lockdown at the moment. All I ask of my right hon. Friend is that if that number grows dramatically—to 10,000, 15,000, or 20,000—he review the current policy, which he set out today.

May I also ask my right hon. Friend specifically about a long-term issue that has been exposed by the coronavirus? Of state school pupils, 45% go on to higher education; of pupils on free school meals, it is 26%; and of white working-class boys on free school meals, it is just 13%. What are my right hon. Friend, and the Universities Minister, doing to reverse that and to ensure that more white working-class boys and girls go to university?

Gavin Williamson: Few people in the House can match my right hon. Friend as such a staunch and consistent advocate for high-quality further and technical education, whether through our further education colleges, apprenticeships or independent learning providers. He truly is an inspiration not just to me but to so many others to ensure that we provide that for young people in the future.

My right hon. Friend rightly says that the university situation is something that we need to constantly keep under review. We will constantly work with the sector very closely to ensure that we adapt and support it if the pandemic means that we have to make changes.

On why not enough youngsters on free school meals or white working-class boys are going to university, that is a real issue. We need to see change. We need to look at different options to ensure that those youngsters realise that they can succeed as well at university as all the other youngsters who choose to go. We will ensure that we deliver it as we level up across the country over the coming years.

Points of Order

1.47 pm

Sir Robert Neill (Bromley and Chislehurst) (Con): On a point of order, Mr Speaker. I wish to raise what I submit is an important issue concerning the extent and interpretation of the Law Officers' convention in relation to questions and answers given in this House. On Thursday last week, I asked the Attorney General for information on what support she had had from officials, Treasury counsel and others in relation to the preparation of a statement on the Government's legal position on to the United Kingdom Internal Market Bill and the withdrawal agreement, which was published to Select Committee Chairs on 10 September. She declined to give me a substantive answer to that question, relying upon the convention.

I submit that it is very clear from "Erskine May" that the application of the convention is strictly and deliberately circumscribed so as to limit it to protecting the giving of legal advice or opinions by the Law Officers to the Government. I submit that the publication of a statement of the Government's opinion on the legal position cannot be advice given to the Government, and therefore the convention cannot apply to it. If that be the case, I ask for your guidance, Mr Speaker, on whether the Attorney General was in order in relying upon the convention, and how I might elicit the information that I was seeking.

Mr Speaker: I am grateful to the hon. Member for that point of order, and for giving me notice of it. Ministers are, of course, responsible for the answers that they give, but I can help him in some respects. It seems to me that he states the convention as reflected in the ministerial code accurately. A Law Officer can choose to make their advice public, as has happened in the instance to which he referred, and, as my predecessors have ruled, the rules of the House are in no way involved should they choose to do so, as is stated in "Erskine May".

It is out of order to ask a question that seeks an opinion on a question of law, but I can confirm that the question that the hon. Member asked did not infringe that rule. He is entitled to table further questions to pursue what he considers to be an unsatisfactory answer. I have no doubt that he will do so with great urgency.

Mr Gregory Campbell (East Londonderry) (DUP): On a point of order, Mr Speaker. Can you advise hon. Members whether the Secretary of State for Northern Ireland has given an indication that he will come before the House to make a statement regarding the announcement this morning from the Public Prosecution Service for Northern Ireland that there would be no further prosecutions of soldiers in relation to the events known as Bloody Sunday? The outcome of that has been that campaigners are now indicating, even though it is almost 50 years after the event, that they intend to seek a judicial review into these issues rather than into the murder of police officers three days before Bloody Sunday, even though that has never been investigated or inquired into at all.

Mr Speaker: I am grateful to the hon. Gentleman for giving me notice of his intention to raise this matter. As he knows, that is not a point of order for the Chair, but the House and the Government Front Benchers in particular will have heard what he had to say. I would be disappointed if there is not a statement coming forward on this very important matter. I think it is very, very important to the House, and that information should be coming here.

As there are no further points of order, to ensure the safe exit of hon. Members participating in this item of business and the safe arrival of those participating in the next, I suspend the House.

1.51 pm

Sitting suspended.

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

Problem Drug Use

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

1.53 pm

Tommy Sheppard (Edinburgh East) (SNP): I beg to move,

That leave be given to bring in a Bill to require the Secretary of State to declare problem drug use a public health emergency; to require the Secretary of State to review the effects of welfare sanctions on people who use drugs; to make the Department for Health and Social Care the lead department for drugs policy; to require the Secretary of State to respond publicly to recommendations of the Advisory Council on the Misuse of Drugs; to amend the classification of drugs in the Misuse of Drugs Act 1971; to make provision for safe drug consumption facilities; to decriminalise the possession of small quantities of drugs for personal use; to make provision about the stigmatisation of problem drug use; to amend the Equality Act 2010 to recognise drug dependence as a health condition; and for connected purposes.

This pandemic has shone a spotlight on many of the problems we face as a society, but it has also diverted our attention from many other pressing social problems. One of those is the question of problematic drug use, which afflicts every community in every part of this land. Thousands of people are losing their lives. Tens of thousands have their lives and their health blighted, and hundreds of thousands of people living in our communities have their lives compromised by the effects of this problem, yet the big problem we have is that the principal piece of legislation governing this area that we look to—the Misuse of Drugs Act 1971—is simply not fit for purpose. In fact, worse than that, it is a hindrance to taking action and compounds the very problems that we perceive.

The Act does that in a number of ways. First, by criminalising the entire area, and the production, distribution, supply and consumption of drugs, it takes any concept of regulation or control and places it firmly in the hands of organised crime, rather than public agencies. Secondly, stigmatising and criminalising the end user makes it very difficult for anyone caught up in the problem to seek help. They are often torn between threats of violence from their supplier and the threat of arrest and detention by the police. Thirdly, it compromises the ability of health service workers to intervene and do something about the problem, in many cases also placing them under threat of prosecution. Finally, it shrouds the entire area in ignorance and a lack of information, meaning that we cannot shine a light on the problem and decide what to do.

It is nearly 50 years since the Act was passed, and I can think of no other legislation on social policy that has remained unreformed and unreviewed for half a century. The case for reform is all the more compelling when we consider that the scale and nature of the problem we face today is so different from that faced by our predecessors at the end of the 1960s. Drugs have changed. More people are using them, and we now know far more about what to do with them than ever before. That is why we should have a comprehensive review of drugs legislation. I hope and pray that the Government will see the wisdom of doing that at some stage in the near future, and that we will move away from an approach based on criminalisation and prohibition, towards one based on compassion and regulation.

But that is not what today or this Bill is about. I do not seek to overturn or amend the 1971 Act. I seek to introduce additional specific measures that will deal with the problems in front of us today. When discussing this whole area we must first realise that this is not a new problem. Narcotics have existed for as long as we have. They were there in the past; they will be there in the future. Ever since humans beings grew legs, we have been chewing leaves or drinking potions in an attempt to combat pain or overcome boredom. For some that is a response to dramatic and poor conditions in their lives, but for others it is simply part of the curiosity inherent in human nature.

We understand much more than we used to about the science behind this problem. That science is still developing, but we know that the problem of drug addiction in our society is principally to do with biochemistry. It is not a moral question about right or wrong. What is happening is not to do with the actions of some aberrant individuals who are deciding to be bad; it is a social problem about how we interact with our world and environment.

When people like me make such arguments, two arguments are usually thrown against us. The first is to say that drug problems in society are a result of many other social ills, and we should be concentrating on the incohesion in our society, the poverty, inequality, abuse, violence and our mental health crisis, and we are misplacing our energy if we talk simply about reforming drug laws. I know of no one on this side of the argument who does not call for a radical change in social policy to try to overcome the policies that we are afflicted by, but it is a false choice to present this as “either we do that, or we reform drugs legislation.” We need to do both. Although in many cases those social problems are the consequences of drug addiction, in some cases they are also the causes of it, and that interrelationship must be addressed.

The second point argued when people like me say things such as this is that we are going soft on drugs. To use the Home Office’s phrase, we are “giving the wrong impression”, as if somehow reforming criminal law in this matter would encourage drug consumption, addiction or problematic drug use.

The problem with that argument is not only that there is not a shred of evidence to support it, but that there is abundant evidence to support the opposite point of view. Over the last 20 years, many countries have made often radical and dramatic changes in their legal framework surrounding drugs. In not one single instance has that led to an increase in the problem. Everywhere—everywhere!—it has led to a reduction in the problem, with fewer users, fewer drugs, fewer deaths and fewer demands on law enforcement. That is the fact of the matter across the world. Today, in Portugal, which has taken serious action—probably more than any other European country—four people for every million of the population die from problem drug use. The figure in the United Kingdom is 85 people per million. That should mean that we do something about this problem, and I hope very much that we will.

Let me turn to some of the specifics of the Bill. Much of the debate has been about drug consumption rooms, and I want to be clear just how irritated and frustrated I become when some people refer to these glibly as shooting galleries, as if they were a site of entertainment or relaxation. I have visited these facilities in Canada, Germany and Portugal, and they are as far away from anyone’s concept of recreation as it is possible to get.

[Tommy Sheppard]

Some people just do not understand how providing a facility to allow people to take their own drugs can in any way help them. Surely we should be intervening with rehabilitation. Surely we should be offering these people help and advice. The people who say that misunderstand the problem, and they misunderstand this proposal. We cannot give advice to a dead person. This proposal, and facilities such as drug treatment rooms and drug consumption rooms, are about keeping people alive today so that we can make those interventions tomorrow. These facilities are, in effect, overdose prevention centres. Because this entire matter is shrouded in the criminal law, most of the 5,546 people who died from this problem last year died alone, behind closed doors. They died unintentionally because, by the time they realised something was wrong, it was too late to call for help. However, the real horror is not the deaths, but the fact that they are entirely preventable if we choose to bring this whole area into the light and look at it seriously.

In my last minute, I want to address how policy is made in this Parliament. We have a Select Committee system. Committees are set up to scrutinise areas of legislation and Executive action. Over the last year, the Scottish Affairs Committee and the Health and Social Care Committee have done exactly that in this field. They have brought forward experts, who have studied this matter in detail, and they have—independently of each other—made the same recommendations, which reflect the proposals in the Bill. The Government's response, in rejecting those recommendations out of hand, has been woeful. I say to the Government that this matter will not go away. They cannot keep their head in the sand. They should take it out and tell us what the alternative is. If the UK Government are incapable of acting as a state on this, they should give the capacity and the power to the devolved Administrations, so that the countries of this land can learn from each other.

Question put and agreed to.

Ordered,

That Tommy Sheppard, Ronnie Cowan, Alison Thewliss, Tonia Antoniazzi, Clive Lewis, Ben Lake, Caroline Lucas, Crispin Blunt, Grahame Morris, Jeff Smith, Wendy Chamberlain and Pete Wishart present the Bill.

Tommy Sheppard accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 13 November, and to be printed (Bill 189).

DELEGATED LEGISLATION

PUBLIC HEALTH

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) (Amendment) (No. 3) Regulations 2020 (S.I., 2020, No. 935), dated 2 September 2020, a copy of which was laid before this House on 3 September, be approved.—*(Maggie Throup.)*

Question agreed to.

United Kingdom Internal Market Bill (Programme) (No. 2)

Mr Deputy Speaker (Mr Nigel Evans): I inform the House that I have not selected the amendment to the programme motion.

Ordered,

That the Order of 14 September 2020 (United Kingdom Internal Market Bill (Programme)) be varied as follows:

(1) Paragraphs (4) to (6) of the Order shall be omitted.

(2) Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion four hours after the commencement of proceedings on the Motion for this Order.

(3) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion six hours after the commencement of proceedings on the Motion for this Order.—*(Paul Scully.)*

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 and 23 September 2020, on Brexit and the Northern Ireland Protocol, HC 767.]

Consideration of Bill, as amended in the Committee

Mr Deputy Speaker (Mr Nigel Evans): I have not selected the recommittal motion in the name of Ian Blackford.

New Clause 4

OBJECTIVES AND GENERAL FUNCTIONS

(1) In carrying out its functions under this Part the CMA must have regard to the objective in subsection (2).

(2) The objective is to support, through the application of economic and other technical expertise, the effective operation of the internal market in the United Kingdom (with particular reference to the purposes of Parts 1, 2 and 3).

(3) The following do not apply in relation to the carrying out of the CMA's functions under this Part—

- (a) section 25(3) of the Enterprise and Regulatory Reform Act 2013 (duty to seek to promote competition), and
- (b) sections 6(1)(b) (function of giving information or advice to the public) and 7 (provision of information and advice to Ministers etc) of the Enterprise Act 2002.

(4) The CMA may give information or advice to the Secretary of State on matters relating to any of its functions under this Part.—*(Paul Scully.)*

This new clause makes provision about the objective to which the Competition and Markets Authority must have regard in carrying out its functions under Part 4, and the application of certain general functions of the CMA in relation to its functions under Part 4. The clause would be inserted after Clause 28.

Brought up, and read the First time.

2.5 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully): I beg to move, That the clause be read a Second time.

Mr Deputy Speaker: With this it will be convenient to consider the following:

Government new clause 5—*Office for the Internal Market panel and task groups.*

New clause 1—*Withdrawal Agreement and rule of law duty—*

(1) An appropriate authority exercising any function to which this Part (Northern Ireland Protocol) applies must—

- (a) respect the rule of law;
- (b) allow for the possibility of judicial review of an enactment, decision, act or omission by the appropriate authority;
- (c) use the provisions of Article 16 of the Protocol to protect the interests of the United Kingdom.

(2) An appropriate authority exercising any function to which this Part applies must comply with the obligations of the United Kingdom under international law.

(3) An appropriate authority exercising any function to which this Part applies must comply with—

- (a) the requirement under Article 5 (Good faith) of the Withdrawal Agreement for the EU and the United Kingdom to assist each other in full mutual respect and good faith to carry out the tasks which flow from the Agreement;

(b) the requirement under Article 167 (Consultations and communications within the Joint Committee) for the EU and the United Kingdom to endeavour to resolve any dispute regarding the interpretation and application of the provisions of the Agreement by entering into consultations in the Joint Committee in good faith, with the aim of reaching a mutually agreed solution;

(c) the requirement under Article 184 (Negotiations on the future relationship) of the Withdrawal Agreement for the EU and the United Kingdom to use their best endeavours, in good faith and in full respect of their respective legal orders, to take the necessary steps to negotiate expeditiously the agreements governing their future relationship referred to in the Political Declaration of 17 October 2019 and to conduct the relevant procedures for the ratification or conclusion of those agreements, with a view to ensuring that those agreements apply, to the extent possible, as from the end of the transition period;

(d) the requirements of the Good Friday or Belfast Agreement of 10 April 1998 between the Government of the United Kingdom and the Government of Ireland and the other participants in the multi-party negotiations, which is annexed to the British-Irish Agreement of the same date.

(4) An appropriate authority exercising any function to which this Part applies must comply with the Human Rights Act 1998.'

This new clause is intended to replace Clauses 42, 43 and 45 of the Bill, to require Ministers to respect the rule of law and uphold the independence of the courts and the practice of judicial review, and to require UK Ministers to implement the Withdrawal Agreement.

New clause 2—*Internal market common framework—*

(1) The Secretary of State must seek to reach agreement with the Scottish Government, the Welsh Government and the Northern Ireland Executive on a common framework on the United Kingdom internal market.

(2) A common framework under subsection (1) may cover—

- (a) the functioning of the United Kingdom internal market;
- (b) the effectiveness of market access principles; and
- (c) drawing up a shared prosperity fund to balance economic development across the whole of the United Kingdom.

(3) The Secretary of State must take into account the common framework on the United Kingdom internal market in exercising any powers under Part 6 (Financial assistance powers) of this Act.'

This new clause would put the Common Framework process on a statutory footing.

New clause 3—*Duty to consult, monitor, report and review—*

(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 commence.

(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 (1).

(4) The reviews under subsection (1) 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.’

This new clause would ensure Ministers have a duty to report back to Parliament on the progress of the functioning of the internal market; market access; progress towards agreeing common frameworks; progress towards drawing up a shared prosperity fund; and progress in resolving issues through the Joint Committee machinery in the Withdrawal Agreement.

New clause 6—Economic development: climate and nature emergency impact statement—

‘(1) Any financial assistance provided under Part 6 of this Act for the purpose of economic development must take into account the overarching need for a sustainable strategy aimed at long-term national well-being.

(2) Every proposal for financial assistance under this Act must be accompanied by a climate and nature emergency impact statement.

(3) Responsibility for the production of the climate and nature emergency impact statement required in subsection (2) resides with the applicant for financial assistance.

(4) Responsibility for assessment of the climate and nature emergency impact statement required in subsection (2) resides with Ministers, who are required to publish this assessment for any successful proposal.

(5) The climate and nature emergency impact statement produced should take account of any carbon budget, climate, nature and environmental goals approved by the relevant Parliament.

(6) In subsection (5), the “relevant Parliament” means—

- (a) where the proposed financial assistance relates to a person in England, the House of Commons and the House of Lords;
- (b) where the proposed financial assistance relates to a person in Scotland, the Scottish Parliament;
- (c) where the proposed financial assistance relates to a person in Wales, Senedd Cymru;
- (d) where the proposed financial assistance relates to a person in Northern Ireland, the Northern Ireland Assembly.’

The intention of this new clause is to ensure that those seeking financial assistance for economic development, etc under this Act are obliged to undertake a climate and nature emergency impact statement to ensure public money is only granted to development consistent with climate, nature and environmental goals and targets.

New clause 7—Northern Ireland’s place in the UK internal market—

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

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

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

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

New clause 8—Interpretation of the Northern Ireland Protocol in accordance with International Law—

‘(1) In the event that the European Union fails to act in accordance with the principles of public international law in its implementation of the Northern Ireland Protocol, by

- (a) failing to undertake acts that are required by the provisions of the Northern Ireland Protocol;
- (b) committing acts that are not in accordance with the provisions of the Northern Ireland Protocol;
- (c) failing to undertake acts that are necessary for the effective implementation of the Northern Ireland Protocol;
- (d) asserting positions in the Joint Committee that are not in accord with the provisions of the Northern Ireland Protocol; or
- (e) refusing to discuss in the Joint Committee proposals on implementation of the Northern Ireland Protocol tabled by the United Kingdom;

(2) For the purposes of subsection (1), the principles of public international law that may be invoked include—

- (a) the provisions of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations 1986, including, in particular,
 - (i) the need to act in “good faith” and
 - (ii) the need to avoid results that are “manifestly absurd or unreasonable”;
- (b) established international practices, having the status of customary international law; and
- (c) the commitments made in the preambular paragraphs of the Northern Ireland Protocol.

(4) A unilateral interpretative declaration issued under subsection (1) may not be submitted unless—

- (a) a Minister of the Crown has laid before each House of Parliament
 - (i) a copy of the proposed declaration,
 - (ii) a statement on the nature of the dispute with the European Union,
 - (iii) a statement of the intended effect of the proposed declaration; and
- (b) the declaration has been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown; and
- (c) a motion for the House of Lords to take note of the declaration has been tabled in the House of Lords by a Minister of the Crown and—
 - (i) the House of Lords has debated the motion, or
 - (ii) the House of Lords has not concluded a debate on the motion before the end of the period of five Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (b).

(5) When a response to the submission of any unilateral interpretative declaration is received from the European Union, a Minister of the Crown shall lay before each House of Parliament the response received from the European Union, and—

- (a) in the case of the approval of the declaration by the European Union, the Minister shall issue a written statement confirming that the declaration has obtained the status of an authentic interpretation of the Northern Ireland Protocol;
- (b) in the case of opposition to the declaration by the European Union, the Minister shall issue a written statement, assessing any alternative interpretation formulated by the European Union and indicating the government’s intended response; or
- (c) in the case of the recharacterisation of the declaration by which the European Union purports to treat the declaration as an illegal reservation, the Minister shall issue a written statement of what action it intends to take to resolve the dispute.

(6) In this section—

“approval”, “opposition” or “recharacterization” of a declaration shall have the meaning given in Guideline 2.9 of the Guide to Practice on Reservations to Treaties, contained in the report of the International Law Commission on its Sixty-Third Session in 2011;

“Joint Committee” means the Joint Committee established under Article 164 of the EU Withdrawal Agreement;

“Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);

“submit” means to make a submission to the depositary of the EU Withdrawal Agreement, as specified in Article 183 of the EU Withdrawal Agreement; and

“unilateral interpretative declaration” means an interpretative declaration as defined by Guideline 1.2 of the Guide to Practice on Reservations to Treaties, contained in the report of the International Law Commission on its Sixty-Third Session in 2011.’

Government amendments 31 and 32, 19, 33 to 38, 20 to 26, and 1 to 11.

Amendment 16, page 37, line 10, leave out Clause 45.

Government amendments 12, 13, 15 and 14.

Amendment 18, page 38, line 36, leave out Clause 46.

Amendment 29, page 39, line 27, leave out Clause 47.

Government new schedule 1—*Constitution etc of Office for the Internal Market panel and task groups.*

Amendment 17, in schedule 1, page 48, line 14, at end insert—

‘(8A) 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 amendments 27 and 28.

Amendment 30, in title, line 7, leave out from “aid” to “to” in line 10.

Amendments 18 and 29 would remove both clauses in Part 6 (Financial assistance powers). This consequential Amendment removes from the long Title “to authorise the provision of financial assistance by Ministers of the Crown in connection with economic development, infrastructure, culture, sport and educational or training activities and exchanges”.

Paul Scully: It is a pleasure to serve under your chairmanship, Mr Deputy Speaker. I want to begin by thanking all Members for their engagement throughout the passage of the Bill and the Public Bill Office for its excellent work in supporting Members and officials.

Before I turn to the specific amendments that we are debating, I want to briefly remind Members why it is crucial that we pass this Bill. Around 60% of Scottish and Welsh exports are to the rest of the UK, which is around three times as much as exports to the rest of the EU. About 50% of Northern Ireland’s sales are to Great Britain. In some local authorities in Wales, over a quarter of workers commute across the border. When we leave the transition period at the end of this year, laws made in Europe can be made in the UK.

Pete Wishart (Perth and North Perthshire) (SNP): The Minister will have noticed yesterday that the Scottish Government declared their intention not to give this

Bill a legislative consent motion. Does he intend to ignore that or dismiss it, and does he hold Scottish democracy in contempt?

Paul Scully: I very much do not hold the devolution settlement in contempt. It is right that we work together. I believe that the UK is stronger together. It is important that we give Scottish businesses—just as much as Welsh, Northern Irish and English businesses—the certainty that they want to be able to trade, so we will continue to engage with the Scottish Parliament and officials and politicians up there to achieve legislative consent.

Hundreds of powers will flow from the EU to the devolved nations and the UK Government in an unprecedented transfer. As we recover from covid, we must ensure that our economy is stronger than ever. That is why the Government have introduced this Bill and why it is essential that we pass it. We want to guarantee the continued functioning of our internal market, to ensure that trade remains unhindered in the UK.

I will begin by speaking to the amendments tabled by my right hon. Friend the Secretary of State for Business, Energy and Industrial Strategy, starting with those that strengthen the Bill’s measures relating to the governance and functioning of the Office for the Internal Market. The office will sit within the Competition and Markets Authority to monitor and report on the internal market on an equal basis for all Administrations. The Competition and Markets Authority has a strong reputation for independence and impartiality. The Government have strived to preserve that reputation in setting out the functions to be carried out by the Office for the Internal Market. By providing non-binding, expert reporting and technical monitoring on regulations and proposals, it will provide robust evidence on the actual or potential impact of regulatory measures.

New clause 4 gives the Competition and Markets Authority the objective of supporting the effective operation of the UK internal market through the provision of economic and technical advice and expertise. That will exist in parallel to the existing objective of the Competition and Markets Authority to promote competition for the benefit of consumers.

New clause 5 enables Competition and Markets Authority functions under part 4 of the Bill to be carried out by an Office for the Internal Market task group and introduces a new schedule setting out the Government’s arrangements for the Office for the Internal Market panel and task groups. That mirrors the existing arrangements for the establishment of panels and groups that it has in place.

New schedule 1 establishes a panel of experts to lead the work of the Office for the Internal Market. The Secretary of State will appoint a chair and further members, following consultation with Ministers from all three devolved Administrations.

Sir William Cash (Stone) (Con): Will the Minister confirm that the arrangements under the Bill regarding the CMA guarantee that we will not have any jurisdiction by the European Union or the European Court over the CMA and, furthermore, that one of the cardinal principles on which the European Union and the Commission are taking their stand is that they insist that we should not

[*Sir William Cash*]

benefit competitively from leaving the European Union and we should not be able to compete with them on reasonable terms?

Paul Scully: I am grateful for that typically wise intervention. I am happy to provide that confirmation.

Amendment 1 provides absolute privilege against defamation for the Competition and Markets Authority when carrying out its functions under part 4. That will ensure that it can report and provide advice independently without needing to expend resources on preparing to defend litigation, and that businesses with deep pockets cannot sue or threaten to sue the CMA to obstruct it from carrying out its functions.

I shall set out briefly for the House the amendments that will improve the Bill's drafting. Through amendments 31 to 34, we are taking the opportunity to put it beyond any possible doubt that alcohol minimum unit pricing-type regulation and any other sales requirements are not in the scope of the mutual recognition principle, unless they amount in practice to a total ban on a good being sold. That came up in Committee. We want to make sure that rather than politicking, we can return to a business continuity approach.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): The Minister just told us about an amendment to take into account concerns about the minimum unit pricing aspect, but UK Government Ministers have been telling us for weeks that the Bill does not affect that. Clearly, that was a concern until now and we were right. Is it not also true that the non-discriminatory aspects of the amendment make it completely useless anyway?

Paul Scully: I thank the hon. Gentleman for his intervention, but the answer is no. To ensure we take that political football totally off the table and return the Bill to what it was always designed to be about—giving businesses in Scotland and all parts of the UK the business continuity and certainty they need without such distractions—the technical amendment dots the i's and crosses the t's.

Jim Shannon (Strangford) (DUP): For Northern Ireland to be a successful part of the United Kingdom, may I gently suggest that the Minister should work with us on new clause 7, which my party has tabled? It is an imperative tool to ensure that Northern Ireland is not left behind in Brexit in terms of being an integrated member of the United Kingdom of Great Britain and Northern Ireland—in other words, that we are treated equally.

Paul Scully: I will turn to new clause 7 in a second, but clearly we will treat Northern Ireland equally.

Amendments 2 to 11, 24, 27, 28 and 35 to 38 are technical changes to remove sources of potential confusion in the drafting. Amendments 19 and 21 provide fuller clarification that a wide range of agricultural processes are considered to be in scope when we refer to the production of goods. Amendment 20 ensures that the UK Government and devolved Administrations can continue to respond to specific biosecurity threats arising

from the movement of animals and high-risk plants and that they are excluded from the mutual recognition and non-discrimination principles of the Bill.

Amendments 22 and 23 clarify the meaning of clause 16 that a change to the conditions attached to an authorisation requirement would bring it in scope of part 2 of the Bill. Amendment 26 ensures that the exemption in clause 23 covers the replication of non-statutory rules as well as a re-enactment of legislation. Amendments 12 to 15 ensure that the higher courts in England and Wales, Scotland and Northern Ireland may make declarations of incompatibility in respect of the regulations under clauses 42 and 43, but may not quash them. That will ensure that, in the unlikely event of a violation of convention rights, there is a remedy available through the courts.

Joanna Cherry (Edinburgh South West) (SNP): Notwithstanding the terms of amendments 12 and 13, can the Minister tell us whether the Secretary of State continues to be confident that the statement he has made in terms of section 19(1)(a) of the Human Rights Act 1998 is accurate?

Paul Scully: We have been quite clear in the approach that we have taken in terms of the human rights impact, so I am confident that the Secretary of State has talked about that.

Sir Robert Neill (Bromley and Chislehurst) (Con): May I press the Minister a little further in relation to amendment 13 and so on? I accept “preserving a remedy”, but it is a remedy by way of a declaration of incompatibility, as opposed to removing any offensive regulation in domestic law. It is a much harder burden or obstacle for a litigant—for every person—to go through to get a declaration of incompatibility. What is the compelling reason for adopting this unusual approach?

2.15 pm

Paul Scully: This achieves the right balance in terms of a remedy, in the unlikely event of a breach of convention rights, for the reason that I have covered in terms of our impact assessment on human rights. I hope that right hon. and hon. Members will feel able to support these important but mainly technical amendments.

I will move on to the Opposition amendments, because it is important that we give them due care and attention, but I first want to remind hon. Members of the core purpose of the Bill. The Bill puts into law a market access commitment by enshrining the principles of mutual recognition and non-discrimination in the law. That means that goods and services from one part of the UK will be recognised across the country, and it will ensure that there is equal opportunity for all UK-based companies trading in the UK.

New clause 2 would place an obligation on UK Ministers to seek to agree a framework covering the UK internal market, which would need to be taken into account in the exercise of financial assistance payments. The new clause would fundamentally alter the basis on which common frameworks are developed and would not be in line with the design of common frameworks that was agreed by the UK Government and devolved Administrations. The principles agreed made it clear that the common frameworks are based on consensus

rather than legislation, as we discussed in Committee. The principles also set out that the common frameworks are limited in their scoped powers returning from the EU, which have a devolved intercept.

An overarching framework would not materially contribute to effective joint working between the United Kingdom Government and devolved Administrations. Through the common frameworks programme, we are agreeing mechanisms for effective intergovernmental working. Those will cover many areas engaged by provisions in the Bill for the internal market.

We are also developing proposals for an enhanced intergovernmental system, which will support work to maintain policy coherence across the United Kingdom. This collaborative model is likely to be more effective and provide greater clarity than the process set out in the new clause, which does not clearly define when the duty in subsection (1) and the due regard duty in subsection (3) would be met.

Common frameworks are designed to allow for collaborative and flexible working between the United Kingdom Government and the devolved Administrations. Creating a framework such as this, which is underpinned by obligations in law, could undermine that effective joint work.

New clause 3 seeks to require the Secretary of State to provide Parliament with regular reviews on the functioning of the internal market, the effectiveness of provisions in the United Kingdom Internal Market Act and progress towards delivering provisions not in the Act, such as common frameworks. While I commend the intention behind the amendment, the review provisions it seeks to deliver are already provided for. They exist either in the Bill, through the Office for the Internal Market, or in previous legislation.

As part 4 of the Bill sets out, the Office for the Internal Market will have a number of reporting and monitoring responsibilities. Clause 29 sets out how the office will need to compile yearly “health of the market” reports on the functioning of the internal market, and five-yearly system reviews on the operation of parts 1 to 3. Those reports will be laid before the UK Parliament and the devolved legislatures for consideration, ensuring parliamentary transparency and accountability. I consider, therefore, that the new clause risks being highly duplicative.

It is essential that both those reports are compiled at arm’s length from both the UK Government and the devolved Administrations. That will enable the office to deliver a credible, impartial and expert analysis that delivers difficult messages to the Administrations, if necessary. However, when conducting those reports, the Office for the Internal Market will be able to consider the views of all relevant interested parties, including the devolved Administrations, in order to present evidence on how well the internal market itself and the Government’s proposals are serving stakeholders across the UK. Moreover, regarding the specific areas listed in the amendment, the Government already publish quarterly reports entitled, “The European Union (Withdrawal) Act and Common Frameworks”, which set out joint progress on common frameworks.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Minister is putting a brave face on things, as always. It is all very well talking about reviews and reports, but does he accept that, for an internal market

to function, there actually needs to be communication between the Prime Minister and the leaders of the devolved Administrations? Why has the Prime Minister failed to communicate regularly with the First Minister of Wales, instead speaking to him only once every few months? Especially at a time of national crisis, why has the Prime Minister been so poor in his communication?

Paul Scully: The Prime Minister, the Secretary of State and Ministers work with all the devolved Administrations. My colleague in the Business Department has meetings—especially at this particular time—with businesses across the devolved Administrations, including in Wales.

As I say, for this particular area, we already publish the report I referred to. However, we consider it right that any reporting on the Joint Committee machinery or the UK shared prosperity fund should be undertaken separately from that on internal market provisions. For that reason, I am not able to accept the amendment.

John Redwood (Wokingham) (Con): Will the Minister confirm that Brexit is a huge opportunity to increase the powers both of this House—over our own internal market and economic prosperity—and of the devolved Administrations, which will gain power? Should everybody not cheer up and welcome the fact that both the devolved Administrations and the Union Parliament can take back control?

Paul Scully: I thank my right hon. Friend for the opportunity to absolutely agree with him that this gives us a great opportunity to come together as the United Kingdom, to give that sense of certainty to businesses and, just as importantly, to grab hold of the opportunities provided by leaving the European Union.

Before I address the amendments to the Bill’s Northern Ireland protocol measures, I remind hon. Members of the points made by the Minister of State, Northern Ireland Office, my hon. Friend the Member for Worcester (Mr Walker), in Committee last week. He made it clear that

“the Northern Ireland protocol...is designed to recognise and protect the needs and unique circumstances of Northern Ireland. Central to that is ensuring that the Belfast/Good Friday agreement, its successor agreements, and the gains of the peace process are protected.”

He stressed that it was crucial to

“ensure that the delicate balance between all communities in Northern Ireland is maintained and that the UK Government pursue policies for sustained growth and stability in Northern Ireland...Through this Bill, we are acting to uphold those priorities and deliver the commitments we made in our election manifesto that we would provide unfettered access between Northern Ireland and Great Britain and ‘maintain and strengthen the integrity and smooth operation of the internal market’.”—[*Official Report*, 21 September 2020; Vol. 680, c. 647.]

I will now speak to new clause 1, which seeks to replace clauses 42, 43 and 45, as well as amendment 16, which intends to remove clause 45. The Government have already been clear that these clauses are required to provide a safety net of powers in reserve, which Ministers may need to use to guarantee the integrity of our United Kingdom and to ensure that we are always able to deliver on our commitments to the people of Northern Ireland, in line with the three-strand approach of the Belfast agreement.

Stephen Farry (North Down) (Alliance): The Minister talks about giving a safety net to the people of Northern Ireland. Does he recognise that the majority of people in Northern Ireland regard the Bill as taking away their safety net by undermining the Good Friday agreement? That is the view in Northern Ireland, and it is important that the Government listen to it, not act contrary to it.

Paul Scully: I have spoken to businesses in Northern Ireland, and a number of them are very supportive of this. I suggest that anybody in Northern Ireland or elsewhere in the UK who believes that the Bill actually takes away from the Belfast agreement is listening to the wilful misrepresentation of the Bill by certain people politicking. Actually, the Belfast agreement has a three-strand approach, and the Bill will be a safety net only in the event that we cannot reach agreement with the EU through the Joint Committee.

Several hon. Members *rose*—

Paul Scully: I will make progress, because these are important points. New clause 1 and amendment 18 would remove that safety net, which we just cannot agree with. These clauses were supported by clear majorities of the whole House at Committee stage.

I can reassure hon. Members that many of the proposals in new clause 1 are already addressed in the Bill. First, the Government have been clear that regulations made under clauses 42 or 43 would be subject to judicial review on general public law grounds, while ensuring that any claims must be brought within three months. This ensures any challenge to the regulations will be subject to timely resolution before the courts. This is essential to ensure that Northern Ireland businesses and investors in Northern Ireland have the certainty that they need. Amendments to this effect have already been agreed to in Committee, and I thank my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), who helped make that happen.

Secondly, on article 16 of the protocol, which new clause 1 mentions, in the event that regulations were made under clauses 42 or 43, we have been clear that we would activate appropriate dispute settlement mechanisms to find a solution in parallel to domestic legislation. Thirdly, the UK Government will continue, as we have always done, to negotiate with our friends and partners in the EU in good faith.

For the avoidance of any doubt, let me confirm again that we are of course committed to implementing the withdrawal agreement and the Northern Ireland protocol, and have already taken many practical steps to do this. However, as a responsible Government, we cannot allow the gains of the peace process or the economic integrity of the UK's internal market—

John Redwood: Will the Minister give way?

Paul Scully: I will happily give way.

John Redwood: Would the Minister confirm that the Government are not intending to break the law—and I do not think anything they have suggested is breaking the law—and will he confirm that those who say otherwise are deliberately undermining our negotiations with the EU?

Paul Scully: I thank my right hon. Friend for that. Indeed, our intention, as I say, is to work on implementing the withdrawal agreement and the Northern Ireland protocol. I have talked about the fact that we have taken many practical steps to do this. We continue to negotiate in good faith.

Several hon. Members *rose*—

Paul Scully: I am going to make progress because I still have a number of amendments to cover.

We cannot accept any amendments that will undermine provisions in the Bill by rendering them no kind of safety net at all. New clause 1 does that, I am afraid.

I now turn to new clause 8. I appreciate entirely the spirit in which this has been put forward. While all of us hoped that the EU would negotiate and discharge its obligations under the withdrawal agreement and protocol in good faith, this amendment seeks to frame in statute a number of steps that Ministers could take under international law were that not to happen. However, this amendment is not necessary, as it would already be open to Ministers to take the steps my right hon. Friend the Member for Gainsborough (Sir Edward Leigh) proposes.

As I have mentioned, the Government have been working with the European Union to reach agreement through the Joint Committee process, and through this Bill we are preparing for a scenario where that does not happen. On 17 September, the Government issued a statement setting out the circumstances in which we would use the powers provided for under clauses 42 and 43: the Government would

“ask Parliament to support the use of the provisions in Clauses 42, 43 and 45 of the UKIM Bill, and any similar subsequent provisions, only in the case of, in our view, the EU being engaged in a material breach of its duties of good faith or other obligations, and thereby undermining the fundamental purpose of the Northern Ireland Protocol.”

Mr Shailesh Vara (North West Cambridgeshire) (Con): Does the Minister agree that those who object to the clauses he has just mentioned should bear in mind the language that has been used by the EU in recent weeks in terms of what it interprets the Northern Ireland protocol to mean? It has denied the existence, as it is written on the face of the Northern Ireland protocol, of matters such as the internal market, unfettered trade and so on. So these provisions are necessary as a safety net—nothing more than a safety net. I say to the critics, “Just look at the language of the EU” and if they look at the language of the EU, they will see that these measures are perfectly reasonable.

Paul Scully: I am grateful for that, and my hon. Friend is absolutely right. These are reasonable steps to act as a safety net.

In the statement I referred to, the Government also make it clear that

“in parallel with the use of these provisions it would always activate appropriate formal dispute settlement mechanisms with the aim of finding a solution through this route.”

Several hon. Members *rose*—

Paul Scully: I have a lot to go through, and I know a number of speakers—

Sir Edward Leigh (Gainsborough) (Con): Will the Minister give way?

Paul Scully: I will happily give way to the mover of that amendment. *[Interruption.]*

Sir Edward Leigh: Actually, to be fair, the Minister has just been dealing with new clause 8, which I have moved. I am very grateful for what he has said. He seemed to suggest that the new clause was not in itself wrong, but was not necessary. But will he accept that, certainly when this Bill goes to the House of Lords, it might be helpful for the Government to produce an idea like this as another arrow in the armoury to reassure those who want to use international law in the right way, if the EU acts unreasonably? The advantage of a unilateral interpretive declaration under the Vienna convention, is that we can do it in this way, so I am grateful to the Minister.

Paul Scully: I thank my right hon. Friend. It is right that he gets to speak as it is about his amendment. He is trying to be helpful in this regard, and I know that Ministers in the other place will take heed of his comments as they engage with colleagues there.

2.30 pm

I now turn to new clause 7. I have considerable sympathy, again, for its underlying aims, but I hope that I can assure the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) on the steps that the Government are taking that make it unnecessary. The starting point is that the Bill gives effect to our commitment to give unfettered access for Northern Ireland goods to the whole of the United Kingdom's internal market. This is done by ensuring that the benefit for mutual recognition is not discriminated against and by preventing any new checks or controls on these goods. The Bill includes a safety net mechanism to ensure that genuine and full unfettered access for Northern Ireland to Great Britain can be delivered in any scenario for the removal of any export declarations by other exit procedures.

While these provisions have understandably attracted the most attention in our debates on the Bill so far, clause 40 also includes significant provisions to cement Northern Ireland's integral place in the United Kingdom. The clause imposes a duty on public authorities to have regard to Northern Ireland's place in the UK's internal market and customs territory, and to support the streamlining of trade between Great Britain and Northern Ireland. That is entirely in keeping with article 6(2) of the protocol and the requirement to use best endeavours, as referred to in the right hon. Gentleman's new clause.

The new clause also calls for an assessment of the impacts of the protocol on that trade to be published at least every 12 months. The Government have a history of supporting Parliament with up-to-date information and analysis on EU exit and implementation of the withdrawal agreement, including the protocol, and we are committed to continuing to do that. In the Command Paper we published in May, we committed to reviewing on an annual basis new procedures arising from the application of EU customs rules to goods entering Northern Ireland. If they should turn out to impose a disproportionate burden on goods moving wholly within the UK, we will consider how that burden can be further reduced or removed. However, it is not necessary—

Gavin Robinson (Belfast East) (DUP): Will the Minister give way?

Paul Scully: Yes. *[Interruption.]*

Gavin Robinson: I am grateful to the Minister for allowing me to come in at this point. There is no need to consider what steps would be taken in that scenario, given this new clause. It is open to the Government to accept the new clause and thus give clarity and comfort to businesses in Northern Ireland who do not know, but suspect, that there may be divergence, difference and associated costs. Nothing that he has said thus far would be injurious to his position or frustrate his hon. Friends in supporting the new clause this evening.

Paul Scully: I heard cries from the Opposition Benches, but I think it is fair that I give way to Members who have tabled amendments.

We will obviously consider how we reduce the burden further, but we do not think it necessary at this stage to make such reporting a statutory requirement or, notwithstanding what the hon. Gentleman said, to frame it in the very broad terms set out in the new clause.

Amendment 17 deals within the mutual recognition of authorisations granted under the EU's REACH—registration, evaluation, authorisation and restriction of chemicals—regulation. It would automatically allow substances authorised to be placed on the market in Northern Ireland under REACH to be placed on the market in Great Britain. The acceptance of mutual recognition that we have introduced for chemicals in schedule 1 is there to allow the relevant authorities to respond to local factors. Authorisations granted by the EU after the end of the transition period will not take into consideration local conditions such as lower river flows or exposure levels where those chemicals are used in Great Britain. I would like to emphasise that authorisations relate to the use of substances of very high concern, such as chemicals that can cause cancer. It is important that the Government and devolved Administrations can take local factors into account in order to prevent avoidable harm to human health or the environment from the significant risks posed by such chemicals.

Gavin Robinson: That response is in precisely the same terms as the one we received last week in Committee, but we are not touching on, or interested in, what the local considerations may be. The fact is that this Bill, even though we are talking about non-discrimination and the implications that there could be for business, envisages businesses having to adhere to and satisfy two separate regulatory regimes. We cannot square the circle between discrimination and non-discrimination in two separate and distinct legal regimes, whether there are local factors or not; we should have to adhere to only one. From a business perspective and an animal welfare perspective, it would be useful to have clarity. We can have one or the other, but definitely not both.

Paul Scully: I understand the hon. Gentleman's concerns, and obviously we are moving towards that one regime, when we can, but we are also already committed to working on a common framework for chemicals and pesticides policy. That common framework is being co-created by the Government and the devolved

[Paul Scully]

Administrations, and will allow us to co-ordinate policy making on matters such as REACH authorisations. Through this framework, the UK Government and the devolved Administrations will be required to set out the strategic direction for the UK regulatory regime, ensuring that existing environmental, human health and workplace standards are maintained, or exceeded where possible.

Finally, I want to discuss the amendments that address the power to provide financial assistance. By creating a new power for the Government to provide financial assistance in the areas of infrastructure, economic development, culture and sports, and education and training activities, the Government will deliver on the commitments upon which they were elected: levelling up, delivering prosperity for all our citizens and strengthening the ties that bind our Union together.

Wera Hobhouse (Bath) (LD): The Minister did not seem to mention amendment 16 when he went over that area. The amendment would remove clause 45, because legal experts fear that if the clause stands as it is, it will set up the Government against the courts. Will he explain why he thinks that is not the case?

Paul Scully: I think I have covered why those clauses should remain, although I did not specifically talk about the amendment.

I want to turn to amendments 18, 29 and 13, which together seek to remove the power to provide financial assistance. The Government are determined to deliver on those commitments, as I was saying. It is important that we strengthen the ties that bind our Union together, that we level up and that we deliver prosperity for all our citizens.

Pete Wishart: Will the Minister give way?

Paul Scully: I will not give way at the moment.

Part 6 of the Bill, which includes clauses 46 and 47, helps us to achieve that. This part of the Bill confers a power to ensure that the UK Government can invest UK taxpayers' money nationwide on UK priorities. In terms of immediate relevance, it would allow the Government to support people and businesses across the country to recover from covid-19. The Government have a responsibility to people, businesses and communities across the whole of the UK.

Pete Wishart: Will the Minister give way?

Paul Scully: I want to make some progress.

This part of the Bill will allow the UK Government to complement and strengthen the support given to citizens in Scotland, Northern Ireland and Wales without taking away responsibilities from the devolved Administrations. New clause 6 will require by law all financial assistance given under part 6 to take into account the applicable climate, nature and environmental goals and targets. It will require that any financial assistance be accompanied by the Minister's assessment of the project's climate and nature emergency impact statement.

The Government are committed to ambitious climate targets, and next year we will lead the world in discussions at COP26. It is also crucial that the UK meets its domestic obligations under the Climate Change Act 2008

and its international obligations under the Paris agreement. The Climate Change Act requires Governments to set five-year carbon budgets towards meeting our target of net zero greenhouse gas emissions by 2050, covering the whole of the UK.

Alex Sobel (Leeds North West) (Lab/Co-op): Will the Minister give way?

Paul Scully: Not for the moment.

Any net emissions increase from a particular policy or project is therefore managed within the Government's overall strategy for meeting carbon budgets and the net zero target for 2050, as part of an economy-wide transition. Moreover, through the Environment Bill that was introduced into this House in January, the UK Government will have a power to set long-term, legally binding environmental targets across the breadth of the natural environment.

Caroline Lucas (Brighton, Pavilion) (Green): That whole section of the Minister's speech was a perfect example of why he should not be objecting to this amendment. It is a helpful amendment that would simply ensure that the financial contributions would actually support all those lovely climate and nature objectives he has just talked about. EU structural funds have a requirement to align with sustainability. His Government keep telling us how Brexit gives us the opportunity to go further than EU environmental policy, so in that case, why does he not accept the amendment? Why is he flunking his first test?

Paul Scully: I have had non-viability and flunking today—I am doing well! I will come to this in a moment. We are framing this in a number of pieces of legislation. I have talked about the Environment Bill, which was introduced in January. It will require the Government to set at least one target for each of four priority areas: air quality, biodiversity, water and waste reduction, and resource efficiency. It will also protect the environment from future damage by—

Alan Brown (Kilmarnock and Loudoun) (SNP): Will the Minister give way?

Paul Scully: The hon. Gentleman keeps wanting to intervene. At least he has had the decency to put his name down on the speakers list this time, so maybe he will have a chance to make his points when he speaks later.

The Environment Bill will protect the environment from future damage by embedding environmental principles at the heart of policy development across Government, with clear and pragmatic guidance on their implementation. The environmental principles will be used by Ministers and policy makers to ensure that policy and legal frameworks help minimise the ill effects of human activity on the environment. Given the Government's strong commitment already to meeting their ambitious climate targets, and the frameworks established under the Climate Change Act and proposed under the Environment Bill, I do not think that it is necessary to put such a legislative requirement in this Bill.

Alan Brown: Will the Minister give way?

Paul Scully: I know that a number of people want to speak. I hope that I have set out the rationale for the Government's amendments to the Bill, and that hon. Members will support them. I trust that I have addressed in sufficient detail the Government's objections to the amendments put forward by other hon. Members, and that they will therefore feel able to withdraw them. I look forward to engaging in the debate on this crucial Bill.

Lucy Powell (Manchester Central) (Lab/Co-op): I rise to speak to the new clauses in my name and those of my hon. and right hon. Friends.

Here we are again—day five in the new House of Commons series, “The Internal Market Bill Debates”. While the coronavirus crisis rages on, here we are again, watching Ministers justify a Bill that breaches an international agreement signed only months ago and that threatens to break up our United Kingdom. It is a shame that we will not hear from the Prime Minister again today on Third Reading, as my right hon. Friend the Member for Doncaster North (Edward Miliband) was hoping for a sequel. He will have to make do with the Prime Minister's understudy, the Business Secretary—what fun.

If Government Members have not been tuning in to the previous episodes, let me repeat our position on this Bill. We support a strong, successful internal market that underpins a vibrant, prosperous Union, with the UK Parliament as the ultimate arbiter of that market. We do not want a Brexit rerun; we want to get on to the next series—you know, the one where the Prime Minister delivers on his oven-ready deal and gets a good trade deal with the EU? That one. That is what the trailers promised us, anyway, and it is what the Prime Minister promised us, too.

Mr Vara: The hon. Lady talks about delivery. Does she accept that it might not be a bad idea if Her Majesty's Opposition agreed with the delivery of what the people of the United Kingdom have voted for? They have voted for this Bill to go through.

Lucy Powell: That is what we are calling for: getting Brexit done. Get the oven-ready deal done. The hon. Gentleman says that is what this Bill is about. The Government have had months to prepare it, and here we are adding amendment to amendment at this late stage.

We have been clear that the Bill, as drafted, is a bad Bill that is not in the national interest. Today, we will once again work to try to improve it. It is a Bill that breaks the law and could break up the UK. We have heard some noble and notable interventions during the debates. We saw that many distinguished Government Members felt unable to support the Bill on Second Reading and on some of the key clauses in Committee. As usual, though, they were met with a tin ear from the Government.

Stephen Doughty: I wonder whether my hon. Friend is aware that this disquiet seems to stretch across Government. The Foreign, Commonwealth and Development Office this weekend launched a campaign called “This is democracy”. It features a picture of a judge standing in their robes, and it says:

“Independent judges free to uphold the law. This is democracy. #BeHeard”.

Does she think that perhaps the FCDO is trying to send a message to the rest of the Government and the Prime Minister?

Lucy Powell: My hon. Friend makes a good point. Like him, I had a wry laugh when I saw that advert.

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

Lucy Powell: I will just make some progress, if the hon. Gentleman does not mind.

Those noble contributions aside, we really have heard it all from those on the Government Benches during these debates. In trying to justify their latest cack-handed approach to public relations ahead of crunch trade talks with the EU, they have come up with a whole menu of reasons to support the Bill as drafted. Here is the highlights package. Do the Government break an international agreement—an agreement that the Prime Minister signed a few months ago? Do they break the law? Apparently, this Bill only breaks the law in a “limited and specific way”. Others on the Government's own Benches, as we have already heard today, disagree. Some Members said that the Bill does not break the law in any way, but the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith) said that it was okay because other people break the law, too. So which is it?

Sir William Cash *rose*—

Lucy Powell: Perhaps the hon. Gentleman might be able to answer that question. Which is it?

2.45 pm

Sir William Cash: I would just like the hon. Lady to answer a simple question. Is she aware that, when in power, the Labour party frequently overrode treaties and has, therefore, in her own terms, broken international law. Is she aware of the number of times that that has happened and how egregious it was? The same applies to many of the matter to which she has just referred.

Lucy Powell: The hon. Gentleman has failed to give me an example, so I am not sure what he is referring to. He has spent his whole political career campaigning for us to leave the EU treaties, and the withdrawal agreement, which he supported and which his Government signed, did exactly that, and he is still not happy with it, so I do not know which it is.

The former Prime Minister said in a powerful speech last week that this Bill will tarnish and do “untold damage” to our reputation and weaken the UK in the eyes of the world.

Rushanara Ali (Bethnal Green and Bow) (Lab): Does my hon. Friend agree that this breaking of the law not only affects our relationships with the European Union, but jeopardises our chances of securing a deal with the United States?

Lucy Powell: My hon. Friend is absolutely right on that. We heard that from the presidential candidate and others after the Foreign Secretary's visit there the other week.

[Lucy Powell]

As I was saying, the former Prime Minister made a very powerful speech. Others agree with her. One said:

“The rule of law is the most precious asset of any civilised society.”

Another said that the UK is renowned

“for promoting the rule of law, and for doing business with integrity.”

In another notable quote, we heard that

“the rules-based international order, which we uphold in global Britain, is an overwhelming benefit for the world as a whole.”

It was not Members on the Opposition Benches who said those words—oh, no—but the Chancellor of the Duchy of Lancaster, the Foreign Secretary and the Prime Minister himself. We have had some debate about when the withdrawal agreement would actually break the law. Is it now as we pass the Bill, or upon the powers being used? The truth is that, even with the additional vote conceded from my friend the hon. Member for Bromley and Chislehurst (Sir Robert Neill), it does not change the fundamentals that this Bill itself breaks the agreement and breaks international law.

Alex Sobel: Will my hon. Friend give way on that point?

Lucy Powell: I will give way one more time, and then I will make some progress.

Alex Sobel: My hon. Friend is making an excellent speech. We also heard another former leader of the Conservative party, Lord Howard, say that, even with the concessions, even with the amendments that the Minister is bringing forward, the Government are still asking Parliament to pass legislation that will break international law.

Lucy Powell: My hon. Friend is absolutely right. For the first time probably in my political career, I agree with Lord Howard on that point as well. Our new clause 1 would require Ministers to respect the rule of law while implementing their own withdrawal agreement. This is the crucial amendment today for those who want to stand by those values espoused by members of the Cabinet.

The Government have also told us that this is merely a tidying-up exercise or an insurance policy, as we have heard today—it is okay because there were “deep flaws” in the withdrawal agreement, and it was not any good anyway. It just beggars belief. In October last year, the Prime Minister tweeted that he had a “great” new Brexit deal. He told the House that this deal was a good arrangement for Northern Ireland, so which is it? No, okay, we do not have any answers to that. As the former Prime Minister also said in her speech last week:

“The United Kingdom Government signed the withdrawal agreement with the Northern Ireland protocol. This Parliament voted that withdrawal agreement into UK legislation. The Government are now changing the operation of that agreement. Given that, how can the Government...be trusted to abide by the legal obligations in the agreements it signs?”—[*Official Report*, 8 September 2020; Vol. 679, c. 499.]

Ministers had no answer for her then and I wonder whether they do today—no, no answer on that one.

Caroline Lucas: The hon. Member is making a powerful case in favour of new clause 1, which I absolutely support. Does she agree that Government amendment 13 makes

the illegal power grab that she is describing even worse, because not only are Ministers seeking to take powers to legislate in breach of international law, but they are trying to close down every possible way in which Parliament could hold the Government to account?

Lucy Powell: I strongly agree; I will come to that point shortly.

The Government’s next justification was that it was necessary to rip up the withdrawal agreement because the European Union is ripping it up itself, but we have heard differing accounts of this: the Northern Ireland Secretary said throughout the summer:

“The Government is extremely confident that the EU is working in good faith”.

Which is it? We are still not clear about that.

Perhaps the most dangerous of all the contortions relates to Northern Ireland. The shifting justifications of the Government over the last three weeks have added to the sense that they are using Northern Ireland as a pawn in a wider negotiating strategy. Remember, this is a deal that the Prime Minister told the House was

“in perfect conformity with the Good Friday agreement”—[*Official Report*, 19 October 2019; Vol. 666, c. 583.]

Callous or careless? Untrustworthy or incompetent? The Government are playing a dangerous game, and it is the people and businesses of Northern Ireland who risk paying the price.

Jim Shannon: I thank the shadow Minister for the constructive way in which she is putting forward her point of view. Does she agree that new clause 7, which was tabled by my colleagues, among others, and has some supporters in the House, is essential to ensure the viability of businesses in my constituency and across the whole of Northern Ireland whose biggest trading partner is the UK? Does she further agree that Northern Ireland cannot be left at the whim of Europe and that we must have security when these measures go before the House?

Lucy Powell: Yes, I do agree. I will mention that point in a moment.

For the people of Northern Ireland, this is not the latest episode in a Brexit drama; it is a profoundly worrying moment. Little wonder that the Lord Chief Justice of Northern Ireland himself, Sir Declan Morgan—a widely respected voice—said that the Government’s actions “undermine trust”. Let us remember that this issue could scarcely be more sensitive. In order to ensure the continuity of the Good Friday agreement in all its dimensions—recognising the unique circumstances of Northern Ireland sharing a land border with the Republic, and therefore the special responsibility and role that the UK and the Republic of Ireland have as co-guarantors of the Good Friday agreement—any change in the constitutional status of Northern Ireland rests on the consent of the people of Northern Ireland in their plurality. That is why it is essential that the protocol upholds Northern Ireland’s place in the internal market and that this delicate compromise builds the confidence of all communities. That is the principle behind new clause 7, which we have co-sponsored with the DUP and Alliance.

But instead of proceeding with due caution and going the extra mile to seek consensus, the Government resort to legislative vandalism. They also stoop pretty low—into “straight bananas” land—with scare stories about what the Bill is needed to prevent, some of which we have heard again today. The Prime Minister warned that the Bill was necessary because the EU wants to enforce an embargo on the transport of goods from Great Britain to Northern Ireland and are

“holding out the possibility of blockading food and agricultural transports within our own country.”—[*Official Report*, 14 September 2020; Vol. 680, c. 43.]

Yet nowhere in the Bill do the Government safeguard against this. Despite the many amendments at every stage, there is nothing at all in the Bill regarding the movement of goods from GB to NI.

Mr Vara: The hon. Lady talks about scare stories. Would she be clear and state precisely which bits of the Good Friday agreement are affected by which clauses in the Bill?

Lucy Powell: The hon. Gentleman is failing to answer my point, which is that there is nothing in the Bill to protect against the very thing that the Prime Minister told us we needed an insurance policy to guard against.

When the Prime Minister was challenged—or, should I say, humiliated—by my right hon. Friend the Member for Doncaster North on this point, the Prime Minister shrank into his seat. They then said that they would bring forward changes in the Finance Bill to protect against these imaginary blockades by EU warships in the Irish sea, but there is no Finance Bill now, is there? So what is their plan for dealing with this? Maybe the Minister could tell us.

In their final flourish to push the Bill through, the Government say it gives back powers to the nations, but the devolved Administrations strongly disagree. The Labour Welsh Counsel General has called the Bill

“an attack on democracy and an affront to the people of Wales, Scotland and Northern Ireland.”

A Conservative Senedd Member, the former shadow Counsel General, resigned because he shared those concerns. As we have argued, if the Westminster Government decided to lower standards, there could be no voice for the devolved nations, because the Government have decided not to legislate for common frameworks, but are legislating for their own veto.

The Government must respect the devolution settlement and work collaboratively in good faith with the devolved Administrations to build a strong and thriving internal market. Our new clause 2 would facilitate just that. Not doing so would threaten our precious Union by putting rocket boosters under the campaign for independence in Scotland and elsewhere.

The Government have also said that this Bill will ensure more money for the nations and regions, as we heard again today, yet we still have no detail on how the shared prosperity fund will operate. They say they want to level up and invest in the regions and nations. “Trust us,” they say on this point, “because we have the right motives.” Yet last week, the mask slipped, didn’t it, with the breath-taking admission from the Chancellor of the Duchy of Lancaster that his Government were going to funnel this cash into the new Conservative seats—pork barrel politics at its worst.

Our new clause 3 would ensure that Ministers had a duty to report to Parliament and ensure oversight of the progress of this and other measures in the Bill.

Karin Smyth (Bristol South) (Lab): My hon. Friend makes an excellent point, particularly about the English regions. I am from the south-west as she well knows, and the south-west has consistently returned Conservative MPs and received a great deal of money from Europe, and is frankly getting little in return. Could not the Government elucidate on how they are going to meet their promises across the regions in England and across the various nations in the United Kingdom, and on how they will make sure that places such as Cornwall do not lose out further?

Lucy Powell: My hon. Friend makes a good point, but I am afraid that, as we heard last week, her constituency is unlikely to get more money because it is not one of the new Conservative seats that we heard were going to be prioritised for this reallocation of money.

The truth is that the Government have been making it up as they go along. The UK’s reputation and territorial integrity are collateral damage to a No. 10 fixated on public relations and posturing more than on making sure that its policy works and is in the national interest. We have had an unprecedented number of amendments from Ministers to their own Bill during its passage. We have further new clauses today, which, as we have heard, further undermine the rule of law. They are making it up as they go along—change after change underlying the haphazard incompetence of this Government.

We want a successful internal market. This Bill does not deliver that. We want a strong Union built on mutual respect. This Bill could fatally undermine it. We want the UK to play a global role for good. This Bill actively damages that. The Prime Minister says that measures in the Bill are just an “insurance policy”, but you cannot get insurance for a house you have already torched.

I hope Conservative Members who still have reservations about the Bill will support our new clauses and join us in the Lobby.

3 pm

Sir Robert Neill: One of the most salutary but, in retrospect, useful put-downs I ever had when I was a young barrister came when I perhaps overindulged in hyperbole in advancing arguments to the Court of Appeal and Lord Justice Cumming-Bruce said to me, “There’s no jury here, Mr Neill, you can cut out the hyperbole and stick to the arguments.” He was right and perhaps it is not a bad thing to try to do in the Committee on the Bill, as there has been a deal of hyperbole surrounding its passage, coming from those in all parts of the House. We might be better off cutting it out a little and getting back to the nuts and bolts of what we are discussing, because a lot of the Bill is perfectly reasonable and necessary. It is not a necessity I particularly like, because I wish we were not leaving some of the arrangements we currently share, but it has to happen as we exit the transition period. The real difficulty comes from the issues in part 5, which we have discussed on a number of occasions, so let me just return to them.

[*Sir Robert Neill*]

I listened with care to the Minister, and I do not doubt his sincerity and good intentions in this regard. He must have thought it a pretty rum do when he was a trade Minister and he found himself in the middle of a lawyers' argument, but that has never stopped the lawyers making that case. I recognise that the Government have endeavoured to shift to try to make clear some of their intentions in relation to the difficult and sensitive matters that part 5 threw up. I will not pretend that we should have started from here; it might have been better to have contemplated the idea of some emergency legislation should we be confronted by what, I am glad to say, the Minister says is an unlikely eventuality, as this is what we all want to avoid if at all possible. I can see arguments the other way as well, so I welcome the constructive approach the Government have adopted towards myself and a number of my hon. Friends who had significant reservations with the Bill, as tabled, to try to make it clear that it is not the Government's intention to act in a way that would undermine our reputation as a nation and jurisdiction that supports and upholds our obligations in international as well as domestic law.

Sir William Cash: I am glad my hon. Friend is referring to a constructive role. I gather from what he said the other day that he was talking very much in terms of last resort, and I want to be constructive, too. As he knows, I have already made the point that the Labour party has been passing Acts of Parliament that clearly and unequivocally override international law and that this has also happened in relation to other legislation in the UK, as I pointed out to my right hon. Friend the Member for Maidenhead (Mrs May). So will my hon. Friend bear that in mind when he is considering the question of last resort, the threshold he referred to the other day and the fact that this is more common and happens more frequently than he may appreciate and that sovereignty, above all else, is the keystone upon which the whole of Brexit depends?

Sir Robert Neill: I am not sure whether or not that is an argument for Brexit; on that basis, the *Don Pacifico* affair was a great statement of national sovereignty, but I do not think it was a great triumph of intellect, integrity or national interest. Leaving that to one side, I accept that there will be a number of occasions when Governments may have departed from their international obligations, but that does not make any of them desirable and it does not mean that we should not seek to limit the circumstances in which that might occur to the barest necessities. So I think we have some common ground there, or at least I hope that we have. That is why I welcome the statements the Government have made to flesh out their intentions on the way in which part 5 would be used.

I say to Opposition Members that I accept that there are certain circumstances in which we might find ourselves in difficulty because of the attitude of our counterparties in the EU. I hope that that will not come to pass and that we are seeing just a matter of the rhetoric of negotiation. There is, however, a respectable legal argument, which has not been ventilated before, although it is held by a number of senior lawyers I have spoken to, to say that, as we all know, the withdrawal agreement is binding

on the UK as a matter of international law—that must be right—but that that is based upon the true construction of the withdrawal agreement.

The withdrawal agreement is clearly subject to the provisions that stipulate that Northern Ireland is part of the United Kingdom. There is an obligation on the parties in good faith to negotiate a free trade arrangement between the UK and the EU such as would render the need for checks on goods passing between the UK and Northern Ireland largely, if not completely, unnecessary. Provided that is done, I do not think any of us get into any difficulties. I accept that in negotiations there has been some language—I hope it is no more than the language of negotiation at this stage, a posture—that might suggest that the EU could argue for a substantial array of checks that might go beyond that which is compatible with the true construction of the agreement in so far as it must respect the role of Northern Ireland within the United Kingdom.

Joanna Cherry: Will the hon. Gentleman give way?

Sir Robert Neill: Can I just finish my point, and I will happily give way to the hon. and learned Lady?

Were it to get to the stage that the level of checks being insisted on were to threaten the integrity of the UK, it would, arguably—perfectly respectably arguably—be threatening the integrity of the agreement itself upon its true construction. That, I think, would be an arguable point for saying in international law that the UK would have a case for saying it was entitled to take measures to protect the underlying purpose of the agreement.

Joanna Cherry: I am very grateful to the hon. Gentleman for giving way. I think that he is describing a situation in which the European Union might be in bad faith, but last week when Professor Catherine Barnard, the very well-respected professor of European law at Cambridge University, gave evidence to the Committee on the Future Relationship with the European Union, she said that there is no evidence whatever at present that the EU is negotiating in bad faith but that there is a strong argument that the existence of the Bill and clause 45 breaches the United Kingdom's duty of good faith in article 5 of the withdrawal agreement. As Chair of the Justice Committee, the hon. Gentleman will be aware that that is a widely held view by lawyers. Does he recognise, as she said, that there is a strong argument that, merely by bringing the Bill to the Floor of the House, the United Kingdom is already in breach of its article 5 duty of good faith under the withdrawal agreement?

Sir Robert Neill: I recognise that that is a widely held argument.

Sir William Cash: Total tosh.

Sir Robert Neill: With respect to my hon. Friend, I do not regard it as total tosh. I happen not to agree with it in totality, but I do not think that we should ever dismiss serious legal argument from serious practitioners on either side of the question as being out of consideration. It is a matter that we ought to weigh carefully. I do think that there is an answer. Part of that answer is the one I have just been formulating, which suggests to me that there can be certain circumstances in which the breach of the true meaning of the agreement is such that the UK itself will be entitled to use its international law right.

Sir William Cash: I just wonder whether my hon. Friend would consider that bringing in a Bill was a matter of privilege for the House.

Sir Robert Neill: I am sure that it is a matter of privilege for the House, but I just come back to the point: I do not think that that engages with the issue we are concerned with here. Of course, it is perfectly within the rights of the House to bring forward any legislation it likes. I know my hon. Friend played a role in having section 38 inserted into the European Union (Withdrawal Agreement) Act 2020, but, with respect, that simply restates that which we already knew and probably picked up in the first week of the law course; that, essentially, Parliament is sovereign and of course it can legislate in the way that it wishes. It can legislate in a way that is incompatible with international law. That does not make it a desirable course to go down. I think that is the point that needs to be said. Of course, it may be possible and I do not think privilege is engaged. The point I am seeking to make is that the UK should be very wary about doing anything that breaches its international obligations. I do not think it has yet and there are reasons why we may be able to avoid that, but that is why I think we need to keep the debate a little more calm in terms of what the rights are.

Joanna Cherry: Is not the problem that some Government Back Benchers are falling into the distinction between domestic law and international law? It is true as a matter of domestic law that this House can pass any Bill it likes, but as a matter of international law, as stated by the Supreme Court in paragraph 55 of its judgment in *Miller 1*, it does not impinge on international law. If we sign treaties, we are bound in the eyes of international law. There is a distinction here between domestic law, which means that this House can do what it wants—God forbid—and international law, which means that sometimes when this House does what it wants, it could be in breach of international law.

Sir Robert Neill: I think that is clearly established law. It is perfectly possible to act within one's domestic law and still breach one's international obligations; however, I do not think that that means that the Bill itself, at this stage, is a breach of our international obligations, particularly now that it has been reinforced by comments made by Ministers on the Floor of the House, which I am sure the Government therefore regard as binding as a matter of good faith in itself, that the provisions would be used only in circumstances where the EU had behaved in such a way that it had breached its duty of good faith under the agreement.

The Government have also importantly committed not to use the provisions of part 5 to undermine the pre-existing provisions in relation to both article 16—the safeguarding arrangements of the protocol—and articles 167 onwards, on the arbitral arrangements. Given those circumstances, I reach a different conclusion from that of the hon. and learned Lady and the professor. I do not dismiss the arguments, but I make the case for why I think, as a matter of law and fact, it is possible to distinguish them.

John Redwood: Does my hon. Friend agree that we have these complications with this agreement because it was only half an agreement? The original idea was that

nothing was agreed until everything was agreed, which would include the future relationship. A lot of that had to be shunted into the political declaration. The danger of what was signed up to is that part of the agreement on so-called withdrawal matters could pre-empt the future agreement in a disobliging way to the United Kingdom. That is why we are in this difficulty and why I think that there is nothing illegal at all in the UK seeking to sort this out in the negotiations and not be at a disadvantage in them. Does he agree with that?

Sir Robert Neill: I think that we are in agreement to the extent that I do not believe that the UK has yet trespassed over its international legal obligations, and I agree that we want to get this sorted out in the negotiations. I do not think that I can go further than that at this stage, but I understand that we all want this to be dealt with in the negotiations if possible. I voted for the withdrawal agreement, and I voted for the previous Prime Minister's withdrawal agreement. It might have saved us a lot of trouble if Members on both sides had voted for that withdrawal agreement in retrospect, but we are making the best of the situation that we have inherited, if I might respectfully say so.

Stephen Doughty: The hon. Member is being generous in giving way. Does he accept that damage has already been done to the UK's international reputation? He rightly wants to deal in facts and the reality of what is going on. I know from conversations that I have had with, for example, officials in UN institutions in Geneva, that the UK has been publicly questioned by other countries, in elections to bodies and negotiations on other matters beyond this matter, because of the very statements that the Government have made and the very clauses in the Bill. That, potentially, seriously undermines our abilities on the international stage on a series of issues: security, trade, climate change and well beyond.

Sir Robert Neill: It is certainly fair to say that it would have been better to have had the caveats that the Government have now put into the Bill to begin with, and I am grateful to Ministers for having worked in the way in which they have to achieve that. It would be absurd to pretend that there has not been real concern expressed by people whom we respect and ought to be able to deal with as allies and counterparties going forward. There is a way to ensure that that concern is alleviated and lasting harm is not done, and I am sure that the Government are committed to trying to do that.

Superficially, new clause 1 is attractive, but I am inclined to give the Government the benefit of the doubt that it is not necessary for the reasons that they have set out. I was going to press the Minister, but he has anticipated much of what I have to say. I am sure that he will confirm again, in winding up, that we are committed to ensuring that part 5 is not used to undermine the legally binding commitments and until such time as it is necessary to act to protect a significant national interest of the UK in relation to the integrity of the Union, as a result of bad faith by our EU counterpart, which—please, God—I hope never arises, and that we will do so without seeking to oust the legal obligations that we entered into in relation to the safeguarding provisions and the arbitral arrangements under article 167.

[*Sir Robert Neill*]

Given that, we can make a good case for saying that new clause 1 is not necessary and that the Government's own intention will deal with that, but I urge the Government, as a friend, to ensure that they reinforce those points very strongly as we go forward, because to persuade the Upper House will be an important task. Continuing evidence of good faith and a willingness perhaps to look at some of the wording would be helpful to the Government.

I have sympathy for new clause 8. My right hon. Friend the Member for Gainsborough (Sir Edward Leigh) and I were reminiscing that we were the two youngest members of the Conservative group of the Greater London Council. We were actually abolished by Mrs Thatcher, by Act of Parliament, but that does not seem to have entirely destroyed our careers or done us lasting harm. I very much take on board my right hon. Friend's points about the value of the Vienna convention. He and I served on the Council of Europe together, and that convention—again, the UK contributed significantly to it over the years—may benefit us a good deal going forward. Even if it is not necessary to take the wording of new clause 8 into the Bill, the sentiment behind it is useful, and I hope the Government will bear in mind the arguments my right hon. Friend will advance later in the debate, because they may well be useful elsewhere.

3.15 pm

The convention is also important because the reality is that, if we do get into disputes over the legal interpretation of the agreement, those disputes are likely to engage the interpretation not of European law—which is a matter of concern to some of my hon. Friends, to a remarkable degree—but of treaty law, for which the convention is the primary document. My right hon. Friend makes an important point by raising the significance of the convention in his new clause.

The other matter I want to turn to at this stage relates to amendments 13 to 15, which I probed the Minister on a little earlier. I welcome the recognition that we are committed to ensuring that legislation, including secondary legislation, is compatible with our obligations under the European convention. I do not find it offensive that judicial review of some of these matters is limited to 21 days. Provided that there is judicial review—and there is—I think that that is proportionate, given that it is highly likely that the issues that give rise to a judicial review will have been so publicised and so ventilated that there should be no great burden on a potential litigator in bringing their case within that time.

However, I urge the Minister to reflect further on the best way to deal with the question of incompatibility. The fact that we are committed to compatibility is important. It could be argued that removing a remedy other than a declaration of incompatibility significantly weakens the level of redress open to an aggrieved person. One of the reasons we brought convention law into domestic law through the Human Rights Act was to ensure that someone did not have to go to the Strasbourg Court to get a remedy for their convention rights and that there was a greater range of remedies available, such as monetary payments—damages, in effect—and other things. It would help the Government if the Minister could give some greater justification for their stance when he winds up.

My final point is that we need to think carefully about the scrutiny of the secondary legislation involved. If we provide that certain aspects of secondary legislation should be treated as primary legislation, it is all the more important that they have the same parliamentary scrutiny as we would expect for primary legislation. We should perhaps look at whether even the affirmative resolution procedure proposed for these matters will provide sufficient scrutiny to ensure that our obligations are well discharged in relation to the albeit limited numbers of regulations that might—or, hopefully, might not—be required.

With those caveats, I hope the Government will take the thoughts I have set out on board in a constructive spirit to try to improve the Bill further and to assist its passage not just through this House but elsewhere. I also hope that part 5 of the Bill never has to see the light of day in practice and that we get an agreement in the negotiations, which would be much the best outcome. Every lawyer prefers that their client should settle rather than go to court, despite foul rumours spread by others to the contrary.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): Order. Colleagues will see that many Members want to speak in the debate. We simply will not be able to get through everyone unless speeches are brief. My advice would be for Members to limit their remarks to five or six minutes, but if they do not, I will have to impose a time limit. I would rather not do that, but I am keen that we get as many people in as possible. I call Drew Hendry.

Drew Hendry: Thank you, Madam Deputy Speaker. Although I will try to be as quick as I can, this Bill fundamentally affects Scotland, and therefore I have a lot to say about it. It is a pleasure to follow the hon. Member for Bromley and Chislehurst (Sir Robert Neill), who chairs the Justice Committee. It is always a pleasure to listen to him, to the hon. Member for Manchester Central (Lucy Powell) and to the Minister, who is an affable and normally very helpful chap. I have great sympathy for him as he tries bravely but barely conceals his embarrassment at having to drag this shabby Bill through the House.

Before I get to my party's amendments and our reasoned amendment, let me report on the Bill so far. This Bill sets out to break international law. It sets out to break devolution. It sets in train the biggest power-grab since the Scottish Parliament was reconvened and a race to the bottom on health protections and environmental standards. The flood of amendments simply proves that the Bill lacks credibility. It is reckless, and it is absolutely typical of this Tory Government and their entire process.

Mr Vara: Will the hon. Gentleman give way?

Drew Hendry: I will make some progress.

In setting out to break international law, the Government are undermining trust, respect and shared values in a very specific but very unlimited way. The Bill sneers at the words “trust”, “honour” and “obligation”. Because of this Bill, any deal, understanding, commitment, promise or even legally binding treaty is now utterly dispensable—think of that! The questions now must be: what is the next inconvenient law for this Government? What happens

to society as the Government embrace lawbreaking? How will international players treat their agreements with the UK? Make no mistake: this is going rogue.

Both the former Prime Minister—the right hon. Member for Maidenhead (Mrs May) still sits in the House and is likely to vote against the Bill—and the former Northern Ireland Secretary have spoken out against this action. The Law Society of Scotland has confirmed that clauses 40 to 45

“would empower Ministers to make regulations that are contrary to the Withdrawal Agreement... and preclude challenge in the UK courts through clause 45”,

and that the Bill, if enacted,

“would breach Article 5 of the Withdrawal Agreement.”

Part 5 of the Bill has triggered international condemnation. As we have heard, presidential candidate Joe Biden warned that

“Any trade deal between the U.S. and U.K. must be contingent upon respect for the Agreement”—

the Good Friday agreement—

“and preventing the return of a hard border.”

There are already meetings in Washington amid American interest in Brexit’s implications for Northern Ireland. The Government’s amendments to part 5 of the Bill create more problems and unanswered questions. As Professor Mark Elliott, in consultation with Graeme Cowie of the House of Commons Library, points out:

“clause 45(1) provides that regulations made under clauses 42 and 43 ‘have effect notwithstanding any relevant international or domestic law with which they may be incompatible or inconsistent’. How is this to be reconciled with the fact that clause 45 as amended now contemplates the possibility of judicial review?”

He goes on to note that Government amendments 12 to 15 would produce an “extremely odd outcome”, and that amendment 13 appears to attempt to “cancel out” the effect of amendment 14. He concludes:

“It leaves us with a Bill that clearly authorises Ministers to break international law”.

Joanna Cherry: Does my hon. Friend share my concern that Government amendments 12 and 13 may render incorrect the statement by the Secretary of State that the Bill is compatible with convention rights under section 19(1)(a) of the Human Rights Act 1998? Is he aware of any plans the Government have to revisit that statement? I asked the Minister about that, but he did not seem to understand the point I was making.

Drew Hendry: My hon. and learned Friend makes a telling point. No, of course the Government have not brought anything forward on that, because this is a Cummings-directed Prime Minister and a complicit Tory Government who have sought to justify a law-breaking, democracy-reducing, shabbily produced, lazy and dangerous Bill with a breathtaking factionalism bordering on pseudologica fantastica.

Mr Vara: As we go through the process of leaving the European Union, this Parliament will take no powers away from the Scottish Parliament. In some 70 policy areas currently managed by the EU, powers will be handed over to the Scottish Parliament. Can the hon. Gentleman not bring himself just once to be a statesman and appreciate that this will actually be for the benefit of the Scottish Parliament? Just once, be a statesman!

Drew Hendry: If this were not so deadly serious, it would be a comedy, such is the hypocrisy from Tory Members. There is good reason why people in Scotland are now looking at independence as the settled view and the majority view in Scotland. It is because of the reckless disregard that the hon. Member has for the facts. He has not even looked at the fact that the Secretary of State for Business, Energy and Industrial Strategy will have, contained in the Bill, the power to overrule anything that the Scottish Parliament decides. I will come back to that point later.

Put simply, this is a bad Bill. It does bad things and no matter how much the Government scramble to justify it, they cannot get away from that point. Let us face it, the Tories have always hated devolution, but even by their standards, the Bill reaches a new level of contempt for the Scottish Parliament and for those of the other devolved nations. Clause 48 is a blatant power-grab, with the UK Government reserving the devolved policy of state aid. In clause 46, powers are given to UK Government Ministers to design and impose replacements for EU spending in devolved areas such as infrastructure, economic development, culture and sport, education and training, and much more, centralising power at Westminster—exactly what the people of Scotland rejected when they voted in 1997 to re-establish the Scottish Parliament. We see in poll after poll that people in Scotland reject it now. That has led, as I said earlier, to the fact that independence is now the majority view in Scotland.

This power-grab not just the view of the SNP, and it is not just the view of those in Scotland. The Welsh First Minister Mark Drakeford highlighted the issue, when he said that there are

“some voices in the Conservative government who having found out that devolution exists after 20 years, find they don’t much like it, and think it would be better if we returned 20 years and all the decisions were made in Whitehall and would rather not be spending their time talking to us very much.”

Does not that just capture it correctly?

Gary Sambrook (Birmingham, Northfield) (Con): Will the hon. Gentleman give way?

Drew Hendry: I want to make some progress.

Organisations across Scotland are also deeply concerned about the proposals. NFU Scotland has confirmed the attack on devolution. It said that

“it is the clear view of NFU Scotland, and the other farming unions of the UK, that the proposals pose a significant threat to the development of Common Frameworks and to devolution.”

The General Teaching Council for Scotland said that the proposals

“would undermine the four UK nations’ devolved education functions.”

The STUC has warned:

“Johnson is uniting political parties, trade unions and wider civil society in Scotland against a power grab which would see UK Government interference in previously devolved matters and a rolling back of the constitutional settlement we voted for in 1997”.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): I have resisted the temptation to ask the hon. Member to give way up to this point, despite the fact that he may be inadvertently misleading the House by pretending that, in some way, this Government are intent on grabbing powers back from Holyrood and

[Andrew Bowie]

taking them to Westminster when nothing could be further from the truth. I will bring him up, however, on his using the National Farmers Union of Scotland and its arguments as a reason not to back this Bill. The NFUS said:

“NFU Scotland’s fundamental priority, in the clear interest of Scottish agriculture... is to ensure the UK Internal Market effectively operates as it does now.”

That is what the Bill delivers. Nothing of what he has said up to this point is any way relevant to the Bill today.

3.30 pm

Drew Hendry: Of course, the hon. Member is entirely wrong with his selective quoting. This absolutely underlines why the Tories have not won an election in Scotland since 1959. You have to be about 90 years old to remember voting in an election that the Tories won. Why? Because they do not listen to the people of Scotland and they do not have their interests at heart. Using this Bill, they are able to lower standards by holding a veto over Scottish Parliament decisions. The mutual recognition mechanism in the Bill starts a race to the bottom on standards, with the UK Government imposing their will.

As we heard, clauses 2 to 9 contain sweeping powers on animal welfare, food safety, environmental protections—every single aspect of Scottish life: the water we drink, the food on our table, the buildings we construct, and even our NHS. We know that chlorinated chicken is on the table and that it will be bloating our tables as a result—[*Interruption.*] They groan, but Donald Trump said that

“everything is on the table”—

and that means products from the States, including that and hormone-injected beef. What else will be presented to us while the UK Government desperately scratch around for a trade deal, leaving no stone unturned regardless of who or what is underneath it?

The Bill hamstring the Scottish Parliament from protecting the highest standards of food safety, from protecting Scottish farmers’ livelihoods, and from protecting the highest standards in our environment and our building control. It hampers the Scottish Government’s ability to keep public companies in public hands, including preventing attacks on the NHS. Worse still, as I said earlier, it puts the power to overrule Scotland’s Parliament in the hands of one Tory Minister. The Secretary of State for Business, Energy and Industrial Strategy has the “power to alter these exclusions”.

Professor Michael Dougan has warned of the impact of the mutual recognition principle and the effect that it will have on Scottish produce:

“The impact in practice of this Bill in many of the proposed exercises of devolved competence in relation to trading goods or services is to effectively penalise domestic producers or traders and not be able to enforce the same standards against imported goods or service providers.”

As I mentioned earlier on the teaching council, Scotland requires secondary teachers to have a relevant degree in the subject that they teach. However, part 2 of the Bill, on professional qualifications, forces Scotland to accept teachers with lower qualifications. The chief executive of the General Teaching Council for Scotland, Ken Muir, said that

“our key concern about the Bill is the extent to which we ourselves, and parents, and users of the education system would feel that”—

it—

“would be watering down the teaching profession in Scotland”.

The Minister mentioned that the Government have tabled a new technical amendment, amendment 32, with the purpose of

“further clarifying the freedoms of all parts of the UK to regulate pricing and manner of sales policies as long as they are non-discriminatory.”

Of course, that is the key line—

“as long as they are non-discriminatory”—

and they say that “we have now acted to provide increased legal certainty around this point”. The Minister conceded earlier that that was in relation to alcohol minimum unit pricing. I remind hon. Members that Ministers had told us that that was not affected by the Bill and did not come into account in it, and now they are admitting that it does and they have put this absolute sham of an amendment in place to cover that. All it does is leave this open to be overridden by the non-competitive clause.

We heard about financial assistance. In case anyone is seduced by the spending promises, I have been calling for clarity on the so-called shared prosperity fund since 2017 along with my SNP colleagues. As the *Financial Times* reported, an individual close to the discussion said:

“The current plan is an odd combination of reserving state aid [for control from London] but then agreeing to a free-for-all. They just want to be able to bung money at things and do not want UK internal market legislation cutting across that.”

That is odd, or is it just convenient?

The Tories’ Communities Secretary has spent millions of pounds from the towns fund on 61 towns, 60 of which happen to be Tory marginals, including his own seat. In the highlands, we understand that directly, because in 1992, Prime Minister John Major took money from the highlands to shore up flagging support in the south-east of England. We have experienced the altruism of Tory Governments.

The flood of amendments to fundamental aspects of the Bill, including from UK Ministers, shows that it is completely bad and shoddy. Clause 5 transfers the CMA functions to the OIM. Drafting errors abound throughout. Amendment 15 actually attempts to further undermine the rule of law. It says:

“No court or tribunal may entertain any proceedings for questioning the validity or lawfulness of...section 42(1) or 43(1).”

That is dangerous and toxic stuff. That follows an absolutely useless and terrible consultation that failed to include and engage the devolved Governments on aspects of the Bill that see the Government strip powers from Edinburgh, Belfast and Cardiff. The legislation was shared with the devolved Governments only hours before publication.

The recklessness of the Tory Government only creates more uncertainty. When their reasonable worst-case scenario is two-day delays to freight on the channel and 7,000 lorries in Kent, with an estimated 275 million new customs declarations each year post Brexit that will cost about £15 billion, they can add the words “absurdly” and “tragically” to reckless.

Poll after poll now shows that people in Scotland understand that the only way to protect their democratically elected Parliament, to protect standards and to keep their waters and NHS safe is through Scotland becoming

a normal independent nation and taking its place in the international community. This Bill insults Scotland. We will not vote for this Bill.

Sir William Cash *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): Order. Just another reminder: I am conscious that many of the initial contributors are speaking to amendments, so it is important that we are flexible, but I say again that if we want to get in the many Members who want to contribute to the debate, it is important that at this stage, Members are as brief as they can be while getting their important points in.

Sir William Cash: There has been a heated and, in many respects, misconceived debate about the question of our compliance with international law. I had something of an exchange with my right hon. Friend the Member for Maidenhead (Mrs May) on Second Reading. I made the point that UK law has, in the past, breached international treaties. That stands, because it is important for us to recognise that that has been the case.

Indeed, it is often forgotten that the EU guidelines of 29 April 2017, which my right hon. Friend's Government allowed to happen, unilaterally imposed on us requirements contravening article 50 of the Lisbon treaty and insisted that we should obey the basis of the EU's idea of the conduct of negotiations. As Clausewitz said, diplomacy is war by other means; I believe the gloves are about to have to come off.

The withdrawal agreement and the political declaration recognise the autonomy of the EU and the UK, but whereas the UK is a sovereign state, the EU is merely an international organisation. UK sovereignty is expressly recognised by the EU as of its own kind—*sui generis*. The EU manifestly contradicted that by insisting on European Court jurisdiction, thus subverting the constitutional status of Northern Ireland itself. It was even reported that that was the price we would have to pay. The EU continually denied our sovereignty during the negotiations with a wanton disregard of our unique, unwritten constitution and sovereignty, which it is bound to understand because we have been in a relationship within the same legal order for the last 40 years.

Colum Eastwood (Foyle) (SDLP): Will the hon. Gentleman give way?

Sir William Cash: I do not have time, I am afraid.

At the same time, there have been a number of UK precedents, which I have explained already. I do not have the time to go into them; I will attempt, as other Members will have to, not to go into huge detail, but I will give a few examples. In 1945, a Finance Act passed by the Labour party overrode international law. The same applied to the Indian Independence Act 1947 and the Burma Independence Act 1947. In fact, in the case of India, more than 400 treaties were broken.

Joanna Cherry: Will the hon. Gentleman give way?

Sir William Cash: I assure the hon. and learned Lady that I am not giving way. I am very happy to do so normally, but not today.

Furthermore, a Conservative Government, in the Income and Corporation Taxes Act 1988, provided

clauses that were notwithstanding anything contrary to the arrangements of the Act. It goes on. It is a substantial list.

I will go further. Those who are interested can look at my previous contributions to other debates, where I extensively describe the myriad occasions when the EU itself has broken international law and, furthermore, when EU member states have egregiously broken international law and admitted it in their own Parliaments. For example, Helmut Schmidt, in the Bundestag, could not have been clearer, going through every single treaty that Germany deliberately broke in defence of its own vital national interest, because that is itself a reason why national law can have a degree of predominance over international law.

National and constitutional law, in certain circumstances—where it affects sovereignty, as in this case in the United Kingdom—can prevail against international law. I am extremely grateful to my good friend, my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), who I know recognises this. It has taken a bit of time for us all to come to terms with that, because it is a bit complex, but the reality is that it is well established in international law itself. The German federal court confirmed this as recently as 2015. I quoted the court in a previous debate, so it is already on the record that it is well within the framework of international law for a country—a democratic country, I hasten to add—to actually override international law in its own vital national interest, and most specifically, as in this case, on questions of sovereignty.

I will therefore just touch on my exchange with the hon. and learned Member for Edinburgh South West (Joanna Cherry). With regard to *Miller 1*, the Supreme Court unanimously confirmed that, under the dualist approach, treaty obligations only become binding in the UK system to the extent that they are carried out in domestic legislation, and that whether to enact or repeal legislation, and the content of that legislation, is for Parliament alone.

This principle was approved unanimously by the Supreme Court in *Miller 1*.

Sir Robert Neill *indicated assent*.

Sir William Cash: My hon. Friend is nodding his head because he knows this is the case.

3.45 pm

As the majority in *Miller 1* explained, at paragraphs 55 to 57, the dualist principle is a necessary corollary of the fundamental constitutional principle of parliamentary sovereignty. It exists to ensure that Ministers, in the exercise of the royal prerogative to conduct international relations, cannot alter domestic law, which is the preserve of Parliament. Parliament, in the exercise of its sovereignty, is free to legislate in any way it sees fit, including contrary to the UK's international obligations. Thus—I am quoting from another judgment—

“the sovereign power of the Queen in Parliament extends to breaking treaties”.

That is made clear in *Salomon v. the Commissioners of Customs and Excise* in 1967, as well as in *Serbia v. the Secretary of State for the Home Department* in 2010 and the *Attorney-General of Canada v. Attorney-General of Ontario* in 1937, in the words of Lord Atkin, so I think the case is well established.

There is nothing in this Bill that is breaching international law and, as I have referred to the laying of a Bill, I think it is an outrageous piece of tosh, if I may say so, that somehow or other we would be in breach of the law—of international law, for heaven's sake—in doing so, despite what Mr Šefčovič has been railing about on 10 September and again yesterday. The reality is that we are entitled to do what we are doing, and that is precisely what we are doing in this Bill.

This is also what we did in relation to section 38 of the European Union (Withdrawal Agreement) Act 2020. I just take issue a little bit with my hon. Friend the Member for Bromley and Chislehurst regarding the point he made. Of course, he was very gentle about this, but he was saying, “You, the Member for Stone, really must try to understand that actually there is nothing particularly unusual about section 38. It's just part and parcel of our sovereignty.” I just gently say to him—and I will read out the words in question—that section 38 says:

“It is recognised that the Parliament of the United Kingdom is sovereign.”

Well, we are in agreement on that. Then it goes on to say:

“In particular, its sovereignty subsists notwithstanding”—

and subsection (2)(b) says in relation to the European Union (Withdrawal) Act 2018—

“section 7A of that Act (other directly applicable or directly effective aspects of the withdrawal agreement)”.

That is the point, and it is absolutely clear. It then goes on to say:

“Accordingly, nothing in this Act derogates from the sovereignty of the Parliament of the United Kingdom.”

In fact, if I may say so, that is the very wording I used when I put down an amendment—in precisely those words—to the single market Act in June 1986. Those were exactly the same words, so there is a bit of history to all this.

I simply make those points because I think it is really important that we put this into perspective. There has been a very heated debate over all this. All I can say is that I understand people's concerns. It is extremely good that my hon. Friend has made the points he has. I know that he regards this as a last resort, and also as a threshold and the bar that he has talked about the other day. However, I will simply say this: nothing could be higher than the bar of the sovereignty of this House of Parliament in relation to its representative nature. It is right to be able to legislate on behalf of the voters of this country, and in December last year we got a majority of 80 from the British people. This legislation has been passed on that basis, and that is something I think we should be proud of.

Gavin Robinson: It is a pleasure to follow the hon. Member for Stone (Sir William Cash). He is right to chide the European Union about seeking to interfere with the integrity of this sovereign nation. However, the end of that sentence should encapsulate the disappointment of some of us at the fact that our own Government would accept a framework that seeks to do just that.

That brings me to our amendments, which are in my name and those of my right hon. and hon. colleagues—both new clause 7 and amendment 17. Last week, Madam Deputy Speaker—it is a pleasure to address you in that

way—a very concerned constituent of mine, Mike, chided me engagingly, as he always does, for referring to you in personal terms. I had to outline that that was because we were, for day after day, in Committee, so it is good that we are on Report. I am mindful of the time constraints, so I do not intend to rehearse the many sincere arguments that we advanced in Committee that lie underneath our amendments, but I will touch on them in relation to new clause 7 and amendment 17.

I listened carefully to the Minister, who is now back in his place, when he spoke about amendment 17 in his opening remarks, which, as I mentioned in my intervention, replicate quite closely those of the Minister of State, Northern Ireland Office, the hon. Member for Worcester (Mr Walker):

“I understand Members' concerns and support mutual recognition and the non-discrimination principle, but the exception to mutual recognition that we have introduced for chemicals is there to allow the relevant authorities to respond to local factors. Authorisations granted by the EU after the end of the transition period will not take local conditions into consideration. I emphasise that the authorisations relate to the use of substances of very high concern. It is important that the Government and devolved Administrations can take local factors into account when they decide how to protect human health or the environment from the significant risks posed by such chemicals.”—[*Official Report*, 21 September 2020; Vol. 680, c. 658.]

That is a fair enough analysis of why we should be within the UK regime on REACH regulations, but the thrust of this Bill is to ensure that our businesses are not unfairly disadvantaged in the conduct of their activity. I have highlighted in Committee and I highlight again today the fact that it is unnecessary to ask businesses to adhere to two separate and distinct regimes on chemicals and dangerous substances—an EU regime and a UK or GB regime—in the conduct of their business.

I heard the Minister say, in response to my intervention, that the Government were working on a common framework, but in pushing this amendment, we are asking them to accept that this will have real, tangible implications for a small subset of our businesses. It demonstrates acutely the burdens that will be added to our businesses when we have one foot in the GB market and one foot in the European Union single market, with all the rules that come with that, and when we are expected to adhere to the rules of both jurisdictions. That will make our businesses less competitive.

Jim Shannon: To illustrate the “best of both worlds” that my hon. Friend has referred to, does he remember that as recently as last year two Northern Ireland skippers were arrested for fishing in waters within six miles of the Republic of Ireland, after an EU judgment? We never seem to get a good deal in Northern Ireland. Does he agree that that illustrates the importance of our new clause 7, which would guarantee a review of business and trade?

Gavin Robinson: My hon. Friend touches on new clause 7, which I will turn to in a moment. The egregious circumstances to which he refers, in which the skippers were arrested last year, were completely outrageous. However, Judge Coughlan in the south recognised that they were men of deep integrity, that they did not deserve convictions and that Irish fishermen were doing exactly the same in Northern Ireland waters. Had it not been for his clarity of thought, things could have been much worse.

Sammy Wilson: My hon. Friend makes the good point that businesses in Northern Ireland might have to adhere to two sets of regulations. Does he accept that there will be occasions when EU regulations could be totally contrary to the regulations developed for the rest of the UK, and that at that stage, Northern Ireland businesses would have to choose? In fact, they would not have to choose, because they would be obliged to follow the EU regulations and would be unable to comply with UK regulations affecting trade.

Gavin Robinson: My right hon. Friend is absolutely right. That is a conundrum that we keep having to address, and the reason we have to keep raising it in these debates is that it is not filtering through. Despite the “lines to take” that have been distributed to colleagues and friends across the Chamber, those conundrums have yet to be answered, and businesses in Northern Ireland still require clarity, whether on selling into the GB market or buying from the GB market. The Bill attempts to address part of that journey, but only part of it, and it does not give us the clarity that we need.

On the REACH regulations and amendment 17, I want to refer to an email I got yesterday from a constituent called Audrey, who outlines something that had not been part of my thought process. She says, “All new and existing substances made and imported into the EU under the REACH regulations at levels of more than one tonne per year must be registered with the European Chemicals Agency. Registration also involves tests on live animals. Cruelty Free International estimates that already 2.6 million animals have been poisoned and killed in this process and that a full minimum data set for the high production chemicals would be approximately 5,000 animals per year, including rats, mice, rabbits, fish and even birds. Based on the information from the Health and Safety Executive, in two years of the UK’s exit from the European Union, UK-based companies must provide the full data package that supported their original registration with the ECHA, including full test reports for each applicable toxicity concern. Because of access to those data issues, many UK registrants could be left with no choice but to repeat the tests on animals that have already been complied with for EU purposes.” Even if Members do not accept my arguments around the implications for businesses, do they think—if those datasets are not agreed and if a common framework is not reached between the EU and the UK—that all those subsets of tests and all that cruelty is genuinely necessary? I think it is avoidable, and I ask the Government to consider amendment 17 more thoughtfully.

On new clause 7, I thank hon. and right hon. Members from across the Committee who support the endeavour and the aspirations that it brings. I wish to put on record my appreciation for the shadow Secretary of State for Northern Ireland—the hon. Member for Sheffield, Heeley (Louise Haigh)—and the right hon. Member for Doncaster North (Edward Miliband) for their engagement with and understanding of the implications that there are for Northern Ireland. They signed the amendment and I am grateful to them for doing so. I am grateful to the hon. Member for North Down (Stephen Farry), who similarly joined us in this endeavour, and, I have to say, to the hon. Members for Foyle (Colum Eastwood) and for Belfast South (Claire Hanna), who have indicated

their positive approach to the new clause and signed it when we tabled it to the European Union (Withdrawal Agreement) Bill back in January.

Nothing that the Minister said—I cannot re-emphasise this point enough—undermined the benefits of accepting new clause 7. He indicated that the Government will rightly carry out an analysis of the implications for business in Northern Ireland, so there is nothing wrong with agreeing to it as part of the Bill. We know that there are distinct differences associated with the operation of the Northern Ireland protocol. The new clause seeks not to undermine the protocol but to ensure that Government carry out these impact assessments. In doing so, it seeks to indemnify businesses in Northern Ireland who are unduly, unfairly and uncompetitively put at a disadvantage to their colleagues and counterparts in GB. That is the very essence of the commitments that have been advanced as part of the Bill; indeed, the “lines to take” that Conservative Members have been given tell them that the Bill is about ensuring the integrity of the UK internal market. If they believe that to be the case, then there is nothing in new clause 7 that undermines their position. I say that very earnestly.

Looking across the Chamber, I see Members—friends—who have an interest in Northern Ireland and, more than that, an unbridled belief in the benefits of the Union, and who believe that we should not only hold but build and enhance what we have. If they are of that view and respect our integral place within the United Kingdom—I know that many have gone through the angst of having to accept compromises as part of the withdrawal agreement to get Brexit for themselves in England, knowing that it will have distinct differences for us in Northern Ireland—I earnestly hope that they will consider new clause 7 in a positive vein. It does not undermine the Government’s position—they have offered no fundamental objection to it—and it does not undermine the process that Members are seeking to achieve on Brexit. It would, however, make an enormous practical difference for businesses in Northern Ireland who are faced with uncertainty and a lack of confidence in the arrangements that will come forward, and, should there be a negative impact or consequence, they would know that Government will stand with them.

4 pm

Sir Edward Leigh: I rise to speak to new clause 8 in my name. I shall attempt, within your time constraint, Madam Deputy Speaker, to get these complex legal and international law arguments on the record.

The problem is not the possibility of the UK breaking international law, which we do not want to do, obviously; the problem is the UK’s being prepared in case the EU fails in its willingness to interpret the protocol on Northern Ireland in a proper way. We have a legal tool at our disposal that would help clarify the situation in accord with international law: a unilateral interpretative declaration. My new clause 8 describes in some detail how that could be done. It would help our negotiating position in securing an EU trade agreement and, just as importantly, it would help get the Bill through the House of Lords.

Many in the other place will be concerned about the possibility that the UK Government may be opening the door to breaking international law. We pride ourselves on the rule of law and we should maintain our commitment to it. The real problem is whether the EU is willing to implement the protocol in a reasonable and effective

[Sir Edward Leigh]

manner. We do not need to break international law; we need to prevent the EU from breaking international law by violating its treaty commitments.

The EU has suggested that it would break its commitments in the protocol. It has said that it would consider breaking its commitments to allowing food from England, Wales or Scotland to be sold in Northern Ireland if the UK did not make concessions on the free trade agreement. That is on the record in Michel Barnier's statement on 10 September. In the light of that, the Government understandably introduced this Bill, so that we can act when the EU threatens the economic integrity of the United Kingdom.

We are committed to implementing the protocol, which we signed up to, but we are only committed to what we actually agreed to—no more and no less. This is the nub of the problem. We are not bound by new interpretations of the protocol that the EU might seek to impose on us. We are not required under international law to accept all the proposals that the EU tables in the negotiations. We cannot accept any bargaining linkage being made between implementing what has been agreed under the protocol in good faith, and what has still to be agreed about our future relationship.

There is a compromise available. We can use international law to ensure that the EU meets the commitments it made in the protocol. We can assert our position, as I have argued, in a unilateral interpretative declaration, if—and only if—the EU behaves unreasonably.

The initial version of the Northern Ireland protocol agreed to in November 2018 could have bound us indefinitely to maintaining full alignment with the EU's single market regulations and membership of the customs union. In an Adjournment debate in February 2019, I advocated the use of a conditional unilateral interpretative declaration to assert the temporary nature of the backstop. That word “temporary” was then in the protocol.

My right hon. and learned Friend the Member for Torridge and West Devon (Mr Cox), who was then the Attorney General, took this up to seek a time limit or a withdraw mechanism from the backstop. That was the basis of documents tabled on 11 March 2019 for the second meaningful vote. Unfortunately, the unilateral declaration issued then was not made strong enough to guarantee an exit from the backstop according to many people in this House. The Government, I believe, should have asserted a stronger interpretation.

Nevertheless, in December last year, we succeeded in getting rid of the backstop. The question is whether the agreed Northern Ireland protocol will be implemented in good faith. The protocol is a good compromise. Rather than abandoning international law, we must use the full provisions of international law to ensure that the protocol is implemented as we agreed.

The general principles of international law applicable to the withdrawal agreement and the protocol are spelled out in the 1986 Vienna convention on the law of treaties. In addition, in 2011, the International Law Commission of the UN codified a guide of practice for handling disagreements about the interpretation of treaties. That allows an individual Government to issue a declaration on their interpretation of the meaning of specific aspects of a treaty. The UK can do that unilaterally, without any agreement from the EU.

To leave the realm of politics and enter the realm of international law, any unilateral interpretative declaration must be sent to the depositary of the treaty. I proposed in an amendment in Committee that the Government should use this declaration to assert their position if the EU were to fail to implement aspects of the protocol. My new clause 8 now spells out in some detail how the declaration could be used. Subsection (1) specifies that the Government should invoke this procedure if the EU fails to carry out the requirements of the protocol. Subsection (2) specifies that the Government should ensure that their interpretation of the protocol is justified by, and in accord with, the provisions of the Vienna convention.

It is important to note that the Vienna convention covers the need to act in “good faith” and the need to avoid results that are “manifestly absurd or unreasonable”. Subsection (3) therefore requires the Government to obtain parliamentary approval before they make a legal challenge, and subsection (4) requires the Government to report back to Parliament on whether the EU has approved the interpretation. If the dispute were to continue, there would be a choice: we could seek negotiations to achieve a compromise in the Joint Committee, or we could invoke the withdrawal agreement's arbitration procedures. If the dispute could not be resolved and arbitration were required, we would have acted in good faith—that is the point—in international law. We would have established our case and started arbitration on our own terms.

The Government are right to challenge the EU. We can uphold international law. We can challenge the EU with proper legal methods. We do not need to accept its interpretation of the protocol. When we face unreasonable demands, we have a chance to state our interpretation of what we agreed when we signed the protocol. We can challenge the EU with a unilateral interpretative declaration and, hence, defend our position in full accord with international law. I ask the Government to consider positively this compromise, on which we can all agree and which is offered to the Government in good faith.

Caroline Lucas: I rise to speak to new clause 6, which is in my name. Its intention is to ensure that those seeking public money for economic development under this legislation are obliged to undertake a climate and nature emergency impact assessment.

The powers set out in part 6 of the Bill provide assistance in a way that would be subject to very few restrictions. New clause 6 is designed to be a genuinely constructive and practical suggestion to help Ministers see the serious gap in the legislation, and to help them to assess and decide whether the money they are dishing out is trashing the environment or supporting its restoration.

Both the Under-Secretary of State for Business, Energy and Industrial Strategy, the hon. Member for Sutton and Cheam (Paul Scully), earlier this afternoon, and the Minister of State, Cabinet Office, the hon. Member for Norwich North (Chloe Smith), last week, said that the UK Government have a determination to see climate and environmental goals achieved. Well, I am very glad to hear that, but it makes me even more perplexed that they are not willing to accept what I regard as a helpful and friendly amendment. In fact, both Ministers have also said that it was not necessary to introduce any kind of conditions on the financial assistance powers in the

Bill, because apparently there is already an overarching legal and policy framework for achieving those goals. That is not good enough. We need commitments that would make those fine words actually bite when it comes to the wide financial assistance decisions set out in the Bill.

The Bill has conferred astoundingly broad powers on Ministers, but without clarity or direction over the mechanisms that they will use to judge whether they are upholding policy commitments—and vague references to overarching frameworks just will not cut it. The bottom line is that, in order to tackle the nature and climate emergencies that we face, the state must not risk supporting projects, companies or industries that threaten to undermine progress toward meeting climate, nature and environmental goals and targets. To avoid that risk, people need to be asking and proving how their requests measure up to climate, nature and environmental goals and targets, and the Government need to check.

The production of impact statements for any proposal for financial assistance will not only help to ensure that individual projects consider long-term sustainability, including avoiding or mitigating potential negative impacts, and maximising the benefits of delivering a green economy; it will also enable Governments across the UK to better understand the aggregate impacts of such financial assistance, and measure them against the goals and targets to which they have already committed themselves. In other words, impact statements would be not an additional burden, but a necessity to reach stated goals. They would also provide a useful opportunity to demonstrate the positive impact that ambitious and well directed investment can bring. The statements would help Ministers—and, indeed, all of us—by providing the benefits of public accountability and value for money, as well as important integrated policy making to tackle the nature and climate crises.

Let us not forget that we have had so many commitments—at least in fine words—from this Government on keeping high standards post Brexit. The Conservative party manifesto promised

“the most ambitious environmental programme of any country on earth.”

It is extraordinary that a Government who say that balk when it comes to any practical measure that would enable them to implement that commitment.

Just yesterday, the Prime Minister’s comments at the signing ceremony of the Leaders’ Pledge for Nature sounded positive. He said that we need to turn words into action, and I could not agree with him more. He said that we need ambitious goals and binding targets and, in his characteristic language:

“We cannot afford dither and delay because biodiversity loss is happening today.”

Yes, Prime Minister, it is, and this straightforward measure would enable him to deliver on the fine words by supporting a mechanism that is designed to achieve exactly that. Otherwise, words are cheap.

New clause 6 is not just a “nice to have” or a green add on; it is a vital way of ensuring that we implement our existing commitments. In May last year, Parliament passed a motion declaring a climate emergency. Marvellous—I was the first to be pleased about that, but we need a mechanism to ensure that subsequent policy making is in line with that commitment. Otherwise, it is meaningless. We have heard time and again how post Brexit, the UK

will be able to have higher environmental standards than the EU, yet the next round of European structural funds will have tackling climate change and addressing the just transition as a major theme. Surely at the very least we should aspire to do the same.

Evidence that we must act responsibly and urgently is mounting every day. As I have already said, the UK Government are failing to meet as many as 17 of the 20 biodiversity targets that we set ourselves 10 years ago. We have plenty of examples of money that is being spent in a way that undermines environmental sustainability, so we know we need to act.

Just this morning, Professor Simon Lewis of University College London reminded us that the biodiversity crisis is not a problem in someone else’s backyard; it is happening in the UK. We live in one of the most nature depleted countries on earth. We have lost 55% of our forest birds in 50 years, and 97% of our flower-rich meadows since the second world war. We have just 13% woody cover, compared with an EU average of 38%. Scientists regularly document huge declines in beetles, bees, butterflies, moths and ladybirds.

Those things do not happen by accident. They happen as a direct result of public policy. They happen as a direct result of where money is spent. It is therefore critical that, if and when Ministers choose to exercise the powers in the Bill, they do so in a way that is consistent and compatible with any environmental and climate goals and targets in the relevant part of the UK.

I know time is short, Madam Deputy Speaker, but I want to say how much I support new clause 1, which has been tabled in the name of the shadow Business Secretary, the right hon. Member for Doncaster North (Edward Miliband). His powerful speech to the House on Second Reading left the Prime Minister embarrassed and exposed. Embarrassed because this is frankly all a bit of a game for a Prime Minister who does not like to lose, and exposed because the Prime Minister is at least supposed to uphold international law. In this case he is asking Parliament to give his Government authorisation to break a treaty that he negotiated and signed last year, and on which his whole general election campaign was based. You almost couldn’t make it up, but that comes after the Prorogation scandal, and a string of attacks on civil servants and the operations of our democracy, delivered by a Prime Minister who thinks little of shutting down Parliament when it gets in his way.

Under any Government of principle, new clause 1 would not be contentious, but sadly it is needed tonight because the Government’s amendment still leaves us with a Bill that clearly authorises Ministers to break international law. This is not a matter of left or right, or of leaving or remaining in Europe; this is about our democracy. To vote for the “treaty undercut” clauses in this group is not to provide a safety net, as the Chancellor of the Duchy of Lancaster desperately suggested yesterday. Instead, it is to fire a cannon ball through the safety net of democratic principle. By contrast, new clause 1 gives MPs the opportunity to demonstrate the immovable principle that it is outrageous for any Prime Minister, any Attorney General, any Justice Secretary—indeed, it should be out of the question for any MP—to be part of legislation that authorises Ministers to break the rule of law. So I hope that every Member of the House will vote for new clause 1, and against the indefensible precedent that the Government seek to set.

[Caroline Lucas]

Government amendment 13 is yet another attempt by the Government to avoid scrutiny of their actions, this time by the courts. It is basic to our way of life and to our history that no one is above the law, but clause 45 is a crude attempt to put Ministers above the law. Not only are Ministers seeking the power to legislate in breach of international law, but Parliament is being asked to pass a law whose aim is obviously to prevent any effective constraint on Ministers. This should be out of the question for any Government with any respect for the rule of law. Again, none of the Law Officers, no Minister and no MP should be prepared to vote for such an attack on the basic principles of our constitution.

4.15 pm

John Redwood (Wokingham) (Con): I support the Government's amendments to the legislation for the reasons outlined admirably by the Minister—it did need a little strengthening and this is a welcome clarification—but I rise mainly to oppose new clause 1.

I am disappointed with the official Opposition, because I was delighted after the clear decision of the people in the last general election that the Opposition said that they now fully accepted the result of the referendum, although it took place years ago—the previous Parliament blocked its timely implementation. We had a rerun in the general election and the Opposition fully accepted the verdict of that general election, yet here we are again today, with new clause 1 deliberately trying to undermine the British Government's sensible negotiating position in the European Union.

Whenever there is a disagreement in interpretation of that original withdrawal agreement between the United Kingdom and the European Union, the Opposition and most of the other opposition parties rush to accept the EU's—very political—interpretation of the situation and rush to say that anything the UK Government wish to assert in this Parliament, or in a court of law if it came to that, is clearly illegal.

It is preposterous that we have so many MPs who so dislike the people of this country that they are still trying to thwart the very clear wish to have a Brexit that makes sense.

Karin Smyth: Will the right hon. Gentleman give way?

John Redwood: I must not take up too much time. I wish to develop my argument quickly.

We have to recognise what we are dealing with here. The EU withdrawal agreement was pretty unsatisfactory and one-sided because the previous Parliament stopped the Government putting a strong British case and getting the support of this Parliament in the way the British people wanted. The Prime Minister wisely went to Europe and did his best to amend the withdrawal agreement but it was quite clear from the agreed text that a lot was outstanding and rested to be resolved in the negotiations to be designed around the future relationship, because we used to say that nothing is agreed until everything is agreed and that the withdrawal terms had to run alongside the future relationship.

The EU won that one thanks to the dreadful last Parliament undermining our position all the time. This Prime Minister is trying to remedy that and the only

reason I was able to vote for the European Union (Withdrawal) Act 2018—much of it was an agreement that I knew had lots of problems with it—was that we put in clause 38, a clear assertion of British sovereignty against the possibility that the EU did not mean what it said in its promises to my right hon. Friend the Prime Minister and did not offer that free trade agreement, which was going to be at the core of the new relationship. We therefore needed that protection, so I am pleased that the Government put it in.

That made me able to vote for the measure to progress it to the next stage, but I was always clear that the EU then needed to get rid of all its posturing and accept what it had said and signed up to—that the core of our new relationship was going to be a free trade agreement. We were going to be a third country, we were not going to be under its laws and we were not going to be in its single market and customs union, but it has systematically blocked that free trade agreement. The UK has tabled a perfectly good one based on the agreements the EU has offered to other countries that it did not have such a close relationship with, but it has not been prepared to accept it. Well, why does it not table its own? Why does it not show us what it meant when it signed up to having a free trade agreement at the core of our relationship? If it will not, we will leave without a deal and that will be a perfectly good result for the British people, as I said before the referendum and have always said subsequently.

Of course, it would be better if we could resolve those matters through that free trade agreement. As colleagues will know, many of the problems with the Northern Ireland protocol fall away if we have that free trade agreement, and we are only in this position because the EU is blocking it.

Why is the EU blocking the agreement? It says that it wants to grab our fish. I have news for it: they are not on offer. They are going to be returned to the British people, I trust. I am always being told by Ministers that they are strong on that. The EU wishes to control our law making and decide what state aid is in the United Kingdom. No, it will not. We voted to decide that within the framework of the World Trade Organisation and the international rules that govern state aid—rules, incidentally, that the EU regularly breaks. It has often been found guilty of breaking international state aid rules and has been fined quite substantially as a result.

I support the Government's amendments, and I support this piece of legislation. We need every bit of pressure we can to try to get the free trade agreement and the third-country relationship with the EU that we were promised by it and by the Government in the general election. We can then take the massive opportunities of Brexit. It is crucial that new clause 1 is not agreed to, because it would send a clear message to the European Union that this Parliament still wants to give in.

Madam Deputy Speaker (Dame Rosie Winterton): Order. We have not done too badly, all things considered. However, after the next speaker, I will introduce a four-minute time limit, so that we can get in as many people as possible. I call Stephen Farry.

Stephen Farry: Thank you, Madam Deputy Speaker. Regardless of that, I will try to honour what you just said about the length of speeches. I primarily want to speak to amendment 16, in my name and those of

others, regarding the removal of the most offensive and dangerous clause in the Bill—clause 45—and I will touch on some other amendments.

At the outset, I want to be extremely clear: the vast majority of people in Northern Ireland and most businesses in Northern Ireland do not want to see this Government breaking or threatening to break international law, period, and they certainly do not want to see it happening on their behalf. Let us get that straight. The Government are not doing this for the good of the people of Northern Ireland.

The breaking of international law undermines the Good Friday agreement, which is lodged with the UN and is part of international law. In particular, breaking the withdrawal agreement and undermining the protocol does not help our businesses one bit. Instead, it places them in a much more uncertain legal situation for doing business. That is not in their interests, because businesses need to operate in a long-term, sustainable legal framework, especially if they are trading internationally. It risks Northern Ireland being turned into some sort of rogue state.

Whatever happens today, it is important that this House ensures that nothing goes forward in the Bill that either threatens or breaches international law, because it is a very dangerous route to go down. The opportunity exists this evening in new clause 1 and my amendment 16. Any efforts to soften that or put hurdles in place to make the prospect of breaking the law more difficult or push it further down the line defeats the purpose, because the threat is still on the table. That is no way for this country to do business internationally, and it sends a worrying message around the world.

Some of the spin in relation to the Bill is extremely disingenuous. In another debate, we heard references to George Orwell's "Nineteen Eighty-Four" and doublethink, but the Government are taking that to a new level with some of the arguments used today and previously. In particular, we are told that this is about a safety net for Northern Ireland. I have already made the point that this is anything but that. This is about removing the safety net for Northern Ireland by undermining the Good Friday agreement.

The Minister talked about the businesses of Northern Ireland being supportive of the Bill. That is news to me, and I would certainly be keen to hear who those businesses are. He talked about people who are opposing the Bill wilfully misrepresenting the Good Friday agreement. I was there as part of the negotiations on the Good Friday agreement. I saw John Major, Bertie Ahern and others negotiating the agreement. I saw the role of the United States and the European Union. They understand what is at stake here and what the Government are potentially doing. It is extremely arrogant to suggest that people are wilfully misrepresenting the agreement when we are trying to defend it.

The principle of consent is embedded within the withdrawal agreement. The European Union is very clear and keen that that is the case. We can talk about other consent issues all we want, and if we are doing so, we go back to the very first principle: that Brexit itself was imposed upon the people of Northern Ireland against their will. That is when the issue of consent and pulling away from a carefully balanced set of arrangements began.

Some of the amendments tabled today seek to disapply the Human Rights Act in relation to clause 45. I remind the Government that the Good Friday agreement contains reference to the importance of the European convention on human rights, and the Human Rights Act puts that into domestic effect. The Government are talking about protecting the Good Friday agreement, in their terms, while at the self-same time putting in a clause that undermines it clearly and unambiguously. Indeed, the Northern Ireland Human Rights Commission and the Equality Commission, two institutions named in the Good Friday agreement, have expressed deep concern at the amendments that have been tabled by the Government.

Breaching international law will be a dead end for the Government, and I am not sure what they are seeking to achieve by it. The right hon. Member for Wokingham (John Redwood) talked about those on the Opposition Benches undermining the negotiations. The Government are doing that all by themselves at present. This is not a tenable or sustainable direction of travel. Until the Government withdraw the threat of breaking international law, they are not going to get a proper future relationship agreement, or a free trade deal with the United States. It is no longer just an issue of the Democrats and such people as Speaker Pelosi or Vice-President Biden. We now have Mick Mulvaney, President Trump's special envoy, echoing those self-same comments. This is now a bipartisan issue in the United States. Whenever the Government have been out-Trumped, that is a very clear message of the danger of the route that they are going down.

In relation to us in Northern Ireland, we have to get the best route possible in terms of the protocol. The protocol is the direct outworking of the UK Government's decisions around Brexit, so the protocol arises from what the UK has decided to do. It is imposing, essentially, binary choices on a society in Northern Ireland that works only through sharing and interdependence. We do not want any borders, but we have to try to work to mitigate the impact of the protocol. The way we do that is through building the trust and confidence of the European Union, so that we can ask for waivers and other forms of mitigations, not through unilaterally seeking to breach the terms of the protocol.

A very clear example is around the issue of export declarations and other export procedures. As part of the withdrawal agreement, the Government have already recognised that that is the prerogative of the European Union under its customs code; however, waiving that would not really threaten the integrity of the EU's single market or customs union, unlike some other potential aspects. That may well be a fairly easy thing for the EU to give, but we are not going to achieve that if the Government cannot establish that confidence to work in good faith with the European Union and their partners going forward.

I will make two more points. The first is on new clause 7 from my DUP colleagues in Northern Ireland. As Members may have noticed, the Alliance party does not always follow the DUP on Brexit—indeed, we take radically different positions, including on this Bill—but there is common ground in a number of areas, in terms of trying to ensure that we have unfettered access from Northern Ireland into Great Britain. I recommend that the House approve that amendment if it goes to a vote.

[Stephen Farry]

I do not think that it does any damage to the protocol or the withdrawal agreement, but it tests on a periodic basis the commitments that the Government are making and that are reflected in the withdrawal agreement itself. I have probably gone on for slightly too long, so I will end on that point.

Simon Baynes (Clwyd South) (Con): I approach the Report stage of the Bill as a Welsh MP for a border constituency where protecting and enhancing the relationship between England and Wales, and the whole Union of the United Kingdom, is not a conceptual political argument but a vital matter of day-to-day practicality. Thousands of my constituents in Clwyd South go across the border each day to work, attend school or college, visit family and friends, or go shopping, so I am strong supporter of the Bill, which will ensure that businesses in all parts of the UK can continue to trade seamlessly across the UK as they do now—protecting jobs and supporting the economy by avoiding unnecessary burdens and costs being placed on businesses or consumers.

The rest of the UK is Wales's biggest trading partner by some way, accounting for 61% of Wales's exports, worth £30.1 billion, and 64% of Wales's imports, worth £34.3 billion.

Much of those are found in small businesses close to the border with England, such as those in Clwyd South. This Bill will protect the UK's centuries-old internal market, by ensuring that goods and services in one part of the UK are recognised in the others, and ensure a fair playing field for all companies. As has been mentioned, the Bill will enshrine the principle of mutual recognition, so that goods and services in one part of the UK will be recognised across the country, and the principle of non-discrimination, so that there is equal opportunity for companies trading within the UK, regardless of where they are based. The Bill will also ensure that high standards are protected across the whole UK by promoting co-operation between the UK Parliament and the devolved legislatures. There will be no reduction in our food hygiene or animal welfare standards.

4.30 pm

My second reason for supporting the Bill is that it will guarantee more powers for Wales, Scotland, Northern Ireland and England after the end of the EU transition period. As has been mentioned, at the end of that period powers in at least 70 policy areas previously exercised at an EU level will flow directly to the devolved Administrations. None of the powers currently held by the Welsh Government and other devolved Administrations will be removed.

The third reason for supporting the Bill is that it will allow the UK Government to invest in communities across all the home nations, bolstering our economic recovery from coronavirus, as the Bill will, from January 2021, provide the UK Government with new powers to spend taxpayers' money previously administered by the EU, particularly in areas such as infrastructure and economic development. That is of particular importance to my constituency, where major infrastructure projects such as improvements to the A5 and A483 are truly cross-border, as the road goes through both Wales and England. The same applies in respect of rail improvements,

for instance on the Chester to Shrewsbury line, which runs through both countries, and the north Wales/Mersey Dee economic area, which is in the north-east of Wales and the north-west of England.

Finally, Clwyd South is home to many small and medium-sized businesses, and this Bill is important for them. Let me finish with a quotation from the Federation of Small Businesses. It has said, "Businesses rely on certainty. The stability of the UK's internal market for SMEs is vital post-Brexit and will give confidence to businesses on their ability to trade in a way which does not disrupt, confuse or disincentivise from developing across the whole of the UK. We commend the UK Government's intention to ensure that businesses can trade without friction across the UK, something which disproportionately benefits SMEs in reducing burdens."

Wera Hobhouse: Let me add my voice to those of the many Members of Parliament, professional organisations and members of the public who have grave concerns about clauses 41 to 45, and their implications for the UK's commitment to international law. The Law Society and the Bar Council have described them as representing a "direct challenge" to the rule of law without precedent. We are a country with a proud history of protecting and promoting the principle that nations should be ruled by a set of agreed rules laid out in law rather than the whims of politicians. That is the foundation of a free and fair society, and it is true about national law, as it is about international law. That this House is even contemplating going against that proud principle is a travesty and a sad moment for this Parliament, which is often called the mother of Parliaments.

It is through international co-operation that we can address the challenges facing our global community, from climate change to human rights to security. The UK has always stood up for international law on the world stage. It is the very foundation on which we deal with other countries. The Prime Minister said it was "fantastic moment" when he signed the withdrawal agreement, but less than a year later this Government are proposing a Bill that would enable Ministers to go away from the UK's obligation under that treaty. What does that say about our credibility as a trading partner?

I have said before that the withdrawal agreement left the Government with two options. The first is to abide by that agreement and negotiate a deal in good faith with the EU that avoids the need for a significant internal border between Northern Ireland and the rest of the UK, but it is disappointing that the Government have chosen the second option—to renege on the treaty they signed and break international law. Even a "specific and limited" breach of international law would do immeasurable damage to the UK's reputation, not only as a trading partner but as a centre of international legal practice and dispute resolution.

All of this comes at a time when we are desperately seeking new arrangements with other countries across the globe. Our application to accede to the Lugano convention is a case in point. That agreement enables civil judicial co-operation with our closest neighbours and it is clearly in our interests to remain a party to it. Our application requires signatures from other countries. Would it not significantly undermine our efforts if we show willingness to negate our international obligations now?

Let me come to amendment 16, which the Liberal Democrats support. Clause 45 has significant implications for judicial review. It is not just about compliance with international law: it has implications for domestic law too. The clause runs the risk that domestic challenges to a potential breach of the international commitments of the UK will end up being litigated at the international level because they can no longer be conducted via judicial review at home. There is not even a precedent for the provision, and the greatest danger is that it will pit our courts against our Government. I urge all Members to support amendment 16 to avoid that damaging consequence.

Ms Nusrat Ghani (Wealden) (Con): I rise to speak to clause 45 and the amendments tabled by the Secretary of State. I seek further clarification from the Minister about the circumstances in which the clause will be needed, and I seek reassurance on the motivation behind the amendments. I want to ensure that we are on the same page and to assist the smooth passage of the Bill.

Clarity of language and intent are key here. Our country's reputation as rule makers, not rule breakers, is at stake, however unintended that may be. The Minister will know that I backed what my constituents call the Neill amendment—before I break any protocol, let me say it is the amendment tabled by my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill)—in part to help the Government to undo the damage that was done when five short words were delivered at the Dispatch Box:

“this does break international law”.—[*Official Report*, 8 September 2020; Vol. 679, c. 509.]

I know that the amendment we tabled was not perfect, but nor were the circumstances and we did get a huge concession, with the Government accepting a parliamentary lock on the powers they sought to give themselves in circumstances when all else had failed. I welcome the changes the Government have made, but making the law and breaking the law should never be taken lightly. In the last few weeks, yesterday and potentially tomorrow, it feels as though we are dragging Ministers by their tails—not that all Ministers require that—to get them to let us to have a say on legislation. That has not been edifying for any of us.

I support the vast majority of the Bill. It is a Bill that allows us to truly take back control from the European Union and establish, protect and enshrine the internal market of the United Kingdom, the most important market for all four of our nations, and provide us with much needed certainty for businesses across our constituencies. That brings me back to my major concern: we all have a duty across the House to leave a legacy that enhances our country's reputation and, as Conservatives, to progress our cause with respect for the law and institutions—not leave a reputation that dishonours or diminishes our standing on the world stage. As MPs, we are just bit players in the history of our Parliament, but we can leave unintended consequences in the way we legislate that remain on the statute books long after we have gone.

The United Kingdom has a glowing reputation for democracy and the rule of law, which attracted my parents to migrate here. Reputation takes years to form but seconds to destroy. I support the Government in their quest to get the best possible deal from the European Union, which is why I want to give the Prime Minister

the best possible negotiating hand, but when British Ministers give their word on the world stage, they are not only giving the word of the Government but that of the Crown. If the Government propose to break international law in extremis at a future date—I accept that it would only take place if the EU acted in extreme bad faith and undermined the integrity of the Union—that power must only be exercised by our sovereign Parliament, but of course I would prefer for us not to be in that situation at all. I would caution the Government against adopting a machismo, scorched-earth policy, and to remember that, as we emerge next year and continue to challenge countries such as Iran, Russia and China as they flout international law, we will need our international friends to stand tall with us. I look forward to hearing from the Minister his assurances on the amendments tabled to clause 45.

Grahame Morris (Easington) (Lab): It is a pleasure to follow the hon. Member for Wealden (Ms Ghani). I wish to speak about progress towards drawing up a shared prosperity fund, because the English regions, and particularly communities such as mine, are in urgent need of investment. I want to focus my remarks on clauses 46 and 47 and on new clause 3, which relates to the replacement of EU structural funds with the UK shared prosperity fund.

The shared prosperity fund is a mechanism by which the Government can deliver their levelling up and building back better agenda. With all due respect to right hon. and hon. Members from Northern Ireland, Scotland and Wales, this is not an issue just for the devolved nations and regions, but a huge one for many of us in left-behind former industrial areas, and it is somewhat disappointing that, with three months until the end of the transition period, details of the scheme are still scarce.

Structural funds to promote economic growth and deliver infrastructure have never been more important. The divisions and inequalities that have been highlighted during the covid-19 pandemic are deeper and wider today, but they existed previously. As we have learned from previous crises, such as the global financial crash in 2008, it is the weaker regional economies that are hit first and hardest by any economic shock. We therefore need devolution for not only the nations of the United Kingdom but for the English regions that are, to a large degree, disadvantaged by central Government, and the ideal place to start is the shared prosperity fund.

If the fund is to work properly, effectively and in a timely fashion, it needs to be in the hands of town halls rather than Whitehall. In the little time I have, I want to give a practical example to illustrate the point, and that is housing in Horden, in my constituency. In 2015, the housing association Accent Housing abandoned its responsibilities. With the consent of Ministers and the former Homes and Communities Agency, the properties in Horden were auctioned off in a fire sale, with some going for as little as £10,000. That led to an influx of private absentee landlords, who have blighted the village and many others.

Five years later, the numbered streets in Horden have the highest concentration of crime in County Durham, as well as some of the worst housing conditions in the north-east. Durham County Council has consulted extensively and produced a plan, which has been presented

[Grahame Morris]

to the Government time and time again. However, there are practical difficulties in discussing regeneration at a national level when the issues encompass several Departments—the Treasury, the Ministry of Housing, Communities and Local Government, the Department for Business, Energy and Industrial Strategy, and the Home Office. I raised the issue again this morning, but it is vital that we have cross-departmental working on these issues. I am confident that, if the resources were made available through the shared prosperity fund, regeneration plans such as the one we have developed for Horden, would be given the green light.

Brexit must mean something different for the left-behind areas of the United Kingdom. It cannot be a continuation of bad policy; otherwise, the slogan “take back control”, used frequently by the Prime Minister, will be nothing more than empty rhetoric and a broken promise, with lost opportunities for communities such as the ones I represent.

Virginia Crosbie (Ynys Môn) (Con): The Bill is a necessary step to secure the future of our United Kingdom outside the EU. By creating the powers to continue the seamless functioning of the UK’s internal market, we will protect countless businesses across the UK, including many in my constituency, such as Menai Oysters & Mussels, Halen Môn, which produces our famous Anglesey sea salt, and countless producers of beef, lamb and seafood, many of which rely on trade between our home nations for the survival of their businesses.

It is not only a matter of continuity. The new shared prosperity fund, which replaces the EU structural fund, will focus on tackling inequalities within communities by raising productivity. In its written evidence to the Welsh Affairs Committee in May, the Isle of Anglesey County Council asked that the shared prosperity fund be less complex, more regionally focused and with faster response times than the EU structural funds. The UK Government are responding directly to those demands through the Bill.

4.45 pm

The Bill also creates many new opportunities for the devolved Assemblies to gain responsibility for their own regulations. If anyone was in any doubt about the UK Government’s commitment to devolution, they should look no further than the United Kingdom Internal Market Bill. The Bill should be celebrated, not derided. The UK Government are taking over 70 powers away from Europe and delivering them directly to the door of the Welsh Government to manage for the Welsh people. No longer shall we look in bewilderment on regulations applied unilaterally to countries as diverse as Greece, Lithuania, Sweden and Wales.

What does this mean in real terms for the people of Ynys Môn? The Bill will give the Welsh Government control over fisheries management, allowing the Welsh people to conserve local fish stocks. Maybe we will see the reopening of local fish factories, with their welly-clad workers enjoying an after-work drink in the pubs of Holyhead. It will give the Welsh Government control over animal health and welfare, including the movement of livestock, which is critical for Welsh farmers like John and Jack Foulkes and Trevor Lloyd, who need to be assured there is a system in place that works to meet

their needs, not those of farmers in Poland or Cyprus. It will give the Welsh Government control over food standards and all stages of food and feed production, labelling and quality. Hundreds of my constituents have written in to tell me that that is a major concern to them as we set out our own trade deals. Standards that are appropriate to local producers will help businesses like Hooton’s Farm Shop in Brynisiencyn to extend their range of locally produced goods. And it will give the Welsh Government control over maritime contracts and ports facilities, which will give great relief to the several hundred people who wrote me concerned about super-trawlers recently.

In conclusion, as the representative of a Welsh constituency, I believe that it has never been more important to put the needs of our constituents before our political ideology. The Bill is not only important for those we represent, but a necessity for the functioning of our United Kingdom. I want to look back in 10 years’ time and be able to proudly say Brexit was the best thing to happen to this country and I was on the team that helped to make that happen.

Colum Eastwood: I fully agree with the hon. Member for Ynys Môn (Virginia Crosbie) that it is time to speak on behalf of our constituents. That is why I absolutely and totally reject the Bill.

The Bill is an assault on international law; it is an attack on devolution; and it is a pretty stupid way to negotiate. There are some very valiant attempts to amend the Bill—in particular, new clauses 1 and 6 and amendment 16. They are designed to protect the withdrawal agreement and our human rights obligations and to rail against the blatant desire to break international law. We will play the parliamentary game and support those amendments, but it is my firm view that the responsibility rests with the Government: it is not too late to withdraw the Bill and stop playing such silly games on this critical issue.

Some people in this House think we have just arrived in this Chamber. They need to understand that we have been coming here for centuries. We have seen it all. When we hear hon. Members aghast that the British Government intend to break the law, well, we know better. We are not surprised. From the Peel laws to partition, from Cromwell to collusion, famine and internment, and two Bloody Sundays, we know all about Britain’s adherence to the rule of law. We also know about other outrages. We remember Birmingham and Brighton, Guildford and Warrington, Mullaghmore and Enniskillen, and we are shamed by it all. The reason I mention those events is not that I want to live in the past but that I do not want to go back to it.

It took 20 years to negotiate, but in 1998 our people decided to come together, to look to the future, to decide and vow that never again would we live with violence and destruction. That peace was hard-won, and we are not about to lose it. It has to be minded, protected and nurtured. Brexit itself is an attack on our civility, on our progress. A hard Brexit would be disastrous for us. Of course, that was all recognised and understood by the Prime Minister only a few months ago. That is why he negotiated, signed and lauded the protocol all around the world. Then the Prime Minister sends a man into the television studios to tell us that “these clauses are a safety net”.

Well, the Chancellor of the Duchy of wherever he is from also said some years ago that the Good Friday agreement was a “moral stain” and a “humiliation”. That gives us some confidence.

How can the European side negotiate with a Government who are pushing through Parliament a Bill that undermines the last deal it did with them? We on these Benches will always be suspicious, but if the Government want to give the people of Northern Ireland any comfort at all that they will be protected, they should withdraw the Bill now and begin negotiating like adults.

If the Bill is not withdrawn, I am absolutely confident that no deal that is done between the Government and the European Commission will pass the European Parliament or even the European Council. That is what our friends across Europe are telling us, so I ask the Government to please stop playing games with something that is far too precious to be messed with.

Dr Kieran Mullan (Crewe and Nantwich) (Con): I rise to speak in opposition to new clause 1, which as with some of the previous amendments tabled by Labour, shows how little Opposition Members have learnt from the election last year and the tortuous events leading up to it. Yet again, they are failing to put the UK first.

In the past few weeks, I have occasionally felt like I must have stepped through a time machine. Again, this country is at a crucial stage of negotiations with the EU. Although I am sure that the people of the EU and their national Governments do not wish us any ill will, parts of the EU bureaucracy inevitably want to be sure that the UK visibly struggles as we stand on our own two feet. Heaven forbid that we should be seen to make a success of Brexit and give other people ideas. Our negotiating team are doing everything they can to secure the best deal for the country—the entire country—and again, they need the full weight of the Government, Parliament and the country behind them. We need to have their back.

That is where we see, once more, what I can only describe as a warped approach by some who take everything the EU briefs out at face value. Barnier says, “Jump,” and the Opposition ask, “How high?” Conversely, everything our team says must be a half truth, a ruse and not to be trusted. We cannot rely on many things in politics, but the EU can always rely on one thing: in this place, there will always be people who give the EU team the benefit of the doubt and find a smoking gun in everything that the Government say and that David Frost and his team are putting forward.

Not once in her remarks did the hon. Member for Manchester Central (Lucy Powell) do anything other than fall in wholesale behind the line emanating from Brussels. No wonder the British people decided well and truly to plant their feet on this side of the House last year. I am glad that David Frost was able to come to the Government, explain the unreasonable negotiating tactics being used by the EU and see the Government act quickly and decisively to support him and his negotiating team. The Bill will ensure that we protect the interests of the UK, and by doing that, importantly, it will increase the chance that we can secure a deal in the interests of the UK and the EU.

When we are negotiating, the biggest risk comes from the other side thinking that we do not mean business. To suggest that we might not have third-country status

was clearly a hardball negotiating tactic—a misplaced and ill-judged one—but with the readiness of Opposition MPs to jump in behind the EU line, is it any surprise that the EU thought it might work? The Bill makes it clear that it will not. Sadly, by tabling new clause 1, the Opposition are buying into that negotiation tactic, grabbing it with both hands and, yet again, making it harder for the country to secure a good deal.

The arguments about international law have been extensive. I welcome the consensus that we have reached with hon. and learned Friends that the powers in the Bill will be used if, and only if, the EU breaches its legal obligations to act in good faith. New clause 1 is completely unnecessary. The rest of the world will be able to see for itself whether this country remains one with which it can do business. I welcome the remarks of the Australian high commissioner to the UK, George Brandis, who insisted that the UK remains a trusted partner.

As we have done already, for the rest of the negotiations we should listen and compromise. We have left the EU, but we have not left Europe. Fundamentally, the Bill seeks to ensure that businesses across the UK can be supported, can thrive and can help the UK to make a success of Brexit. We are putting the UK first. All hon. Members should welcome that, reject amendments that undermine our negotiating team and, for once, pull together on behalf of the British people in the face of EU intransigence.

Mhairi Black (Paisley and Renfrewshire South) (SNP): Devolution has allowed us in Scotland to carve out a path that is different to that of the rest of the UK wherever necessary for the past 20 years. To understand exactly how this Bill attacks devolution, we need to read only clause 46, which states:

“A Minister of the Crown may...provide financial assistance to any person for...infrastructure”.

Subsection (2) goes on to say that infrastructure includes: health, education, transport, court and prison facilities, housing, water, electricity and the provision of heat. The Bill will allow UK Ministers to dictate and spend money wherever they like and in whatever devolved area they want, as long as it can be justified as they deem it to “directly or indirectly” benefit any area of the UK. We already know that the reality of that is Tory Governments funnelling millions into marginal Tory seats, as opposed to the areas that need it. I wondered why they had specifically included things such as heat and electricity and water, and then I remembered that the only reason why we are able to have publicly owned fresh water in Scotland is that the Scottish Parliament has made it so.

The Bill will explicitly give any Minister of the Crown permission to run riot with the very assets of Scotland that our Scottish Parliament has protected, and nowhere in the Bill—nowhere—does it state that permission must be obtained from the devolved Governments to do so. I have watched this Parliament hand over £40 million for ferries to a company that did not own any ferries. Are we really supposed to expect and rely on this Government to spend money on our behalf? Let us be clear: this would not be some benevolent donation to Scotland from Westminster, because clause 47 says that financial assistance may be subject to conditions, including repayment. We will be expected to pay back money that we never even spent. That is like being asked to take out a car loan even though you cannae drive.

[*Mhairi Black*]

To those who say that we are represented here and that we can change things, I say this: we have tried and we are outvoted at every turn. This gets to the crux of why independence is the only option left for Scotland. Let me give some context: Scotland has 59 MPs and the city of London 73 MPs. This is a Union that England dominates. The only reason why there is not an English Parliament is that the people in Westminster view this place as the English Parliament. We cannot afford to be naive. The only way to protect our Parliament is to become independent.

We regularly hear the Tories brag about how we have the most powerful devolved Parliament in the world, but I have a new thing for them to brag about: the UK is in the Guinness book of records as the country from which most countries have gained independence. Since 1939, 62 countries have gained independence from Westminster and not a single one has asked to come back. Only one country decided to stay and look where we are. In 2014, the idea of Boris Johnson as Prime Minister was a warning. Now, it is a reality.

The Bill provides a framework to allow Westminster to bypass the Scottish Parliament in the hope that we do not notice it, but we are noticing it. It took us 300 years to get our Scottish Parliament and 20 years for this place to put a bulldozer right through it—

Madam Deputy Speaker (Dame Rosie Winterton): Order. I thank the hon. Lady.

Peter Gibson (Darlington) (Con): I rise to oppose new clause 1. The Bill seeks to preserve and protect the internal market of our precious United Kingdom, having taken back control from the EU. Our membership of the EU predates much of the devolution journey on which our Union has been, and as we break free from Europe, we must put in place the protection that is essential to preserving the marketplace in our own internal market and, in turn, protect our Union.

This Parliament was elected to deliver on the will of the British people. The people of Darlington want to see Brexit done. I know, too, that they want us to have a great free trade deal with our European neighbours. They know that trade benefits us all.

The Bill serves to protect our internal trade, and also makes provision for a situation in which the withdrawal agreement's provisions prevent our internal trade. I welcome the Government's intention to seek parliamentary approval for the "notwithstanding" clauses. It is right that our European neighbours should negotiate with us in good faith as we seek to protect our internal market, and it is right that Parliament has the opportunity to debate and vote on such measures. It is my hope and wish that negotiations progress and a deal is secured, such that we do not have to invoke these measures. I regret the coverage that these provisions have attracted generating the unfortunate view that the House is intent on breaking the law.

5 pm

It is clear from debates on the Bill that only the Conservative and Unionist party truly wants Britain to succeed as an independent sovereign state that can stand on its own two feet. The United Kingdom of Great Britain and Northern Ireland is the oldest and

one of the most successful political unions. Our internal market has been vital to our shared prosperity, having facilitated seamless trade for centuries. Trade has been, and is, the key to prosperity for millions around the world, and will continue to be so for the British people, with a free, unencumbered internal market and global free ports around the country, one of which I dearly hope will be sited on the banks of the River Tees.

Sammy Wilson: First of all, I make it quite clear that, so far as Democratic Unionist Members are concerned, despite what has been said by the hon. Members for North Down (Stephen Farry) and for Foyle (Colum Eastwood), the Bill is essential to protect businesses in Northern Ireland. Our worry is that it does not go far enough, because its only reference to keeping Northern Ireland as part of the internal market regards preventing the withdrawal agreement's requirement that businesses in Northern Ireland make export declarations when exporting to our biggest market, GB. That is the only reference in the Bill. In fact, the Bill also specifically excludes Northern Ireland from protections against EU interference in state aid and support for UK businesses. We are the only part left out of that.

New clause 7 seeks to address some of those things. First of all, it refers to the Government using their "best endeavours" to ensure that trade from GB to Northern Ireland, and from Northern Ireland to GB, is protected within the internal market. Secondly, it would require the Government to monitor the impact of the withdrawal agreement and the Northern Ireland protocol, because we cannot defend businesses in Northern Ireland if we do not know what impact those are having. It stands to reason that, whether defending Northern Ireland through giving support to businesses and helping them to reduce their costs if unfair impositions are placed on them, whether protecting Northern Ireland through mitigation measures or whether supporting Northern Ireland through taking up these issues at the Joint Committee, we must know the impact of the withdrawal agreement. New clause 7 would require the Government to monitor those impacts so that they have the information to make a defence, as Ministers have said from the Dispatch Box that they want to do for businesses in Northern Ireland.

Thirdly, the new clause would require the Government to look at not only the impact of regulations that will be imposed on Northern Ireland by the European Union as part of the protocol, but the impact of any likely regulations, so that they can be anticipated and, again, so that businesses in Northern Ireland do not find that they are affected in a way that I have outlined in this place so many times. In my constituency, at this very moment, a planning application has gone in for a 45,000 square feet, £15 million border post. If we go by what Mr Barnier said yesterday, every lorryload of goods that comes through may have to be stopped, searched and investigated, with the resultant delays, costs and everything else.

It is important that the Government monitor the impact of such impositions. We are trying to ensure that this situation never happens in the first place, but unfortunately the Government already conceded that in the withdrawal agreement and the Northern Ireland protocol. I hope that the negotiations are successful in pushing the EU away from that draconian interpretation

of the protocol. If not, there are some provisions in the Bill that will help to ameliorate the situation, and new clause 7 would push that even further. If Ministers mean what they say about protecting business in Northern Ireland and keeping it as part of the internal market, I hope that they will accept our new clause.

Gary Sambrook: This is one of the most important Bills that we will vote on in this Parliament, because it will create the foundation and fabric for our United Kingdom to prosper for many years to come—hopefully for at least another 300 years, to pick a random number. It is so important for all four of our nations to benefit from the Bill and prosper together.

The provisions in the Bill, especially on subsidy controls, are exactly what the spirit of Brexit was all about. It was about people knowing that they were sending billions of pounds to the EU, and feeling left behind here in the UK. I was shocked and appalled earlier to hear the shadow Minister talk about the Chancellor of the Duchy of Lancaster saying that money should be taken to the places it needs to be. The seats she was talking about used to be held by the Labour party, but are now held by Conservatives across the country, and it is because Labour forgot about those seats that so many of us Conservative Members are here today.

One such example, in my own seat, is the demise of MG Rover, which many people will remember. The factory closed down 15 years ago, but there is still 150 acres of land going completely unused. It is a daily reminder to the people who drive past it of that feeling of being left behind—of the billions of pounds going to the European Union, and the lost opportunities for jobs and skills across the constituency of Birmingham, Northfield. Through the subsidy controls provided in the Bill, we will be able to use Brexit to deliver on those jobs and opportunities. I very much look forward to this legislation being used for a bright, positive future across Northfield and Longbridge, when the empty space at MG Rover is used once again.

The clauses and compromises on parliamentary sovereignty are absolutely right and sound. A couple of Members on the Opposition Benches spoke about the nature of negotiations. Most Opposition Members are a second-hand car salesman's dream. Half of them would leave the showroom without any windows, doors or tyres left on their car because every time someone said no to them, they would just roll over and accept it. If the European Union says, "No, sorry, we can't do that", Opposition Members think we should just say, "That's alright; we'll do whatever you like."

We have heard about devolution, especially from Scottish National party Members. I am not too sure what definition of devolution they are working to. We talk about taking powers from Brussels to the UK and giving them to the devolved Administrations—but, no, their definition of devolution is to send them right back over to Brussels and have no control over them whatever. That is because the European Union is supposedly some kind of beacon and fount of progressive politics against a domineering United Kingdom. Well, they should tell that to the political independence campaigners in Catalonia, many of whom are political prisoners now, and one of whom was barred from public office yesterday, at the will of the European Union.

I have 10 seconds left, so I will finish by saying that I wholeheartedly support the Bill and its provisions to deliver our levelling-up agenda for constituencies across the country.

Karin Smyth: The last time I bought a second-hand car, the first thing I did was make sure it was roadworthy, legal and in line with the legislative provisions of this country.

I have followed this debate very closely, speaking both on Second Reading and in Committee, and I say yet again that we have had more heat than light. We started off—let us not forget that it was the Secretary of State for Northern Ireland, and nobody else, who started off—by saying that the Bill would breach international law. It was not the Labour party that said we would accept everything the EU says; it was from the Dispatch Box that he said the sentence that in fact has put this entire Bill under a cloud.

The Government have got themselves in a terrible mess on devolution. A key pillar of devolution is setting priorities in key areas, but, as the explanatory notes to the Bill say, clauses 46 and 47, which aim to provide financial assistance, fall

"within wholly or partly devolved areas".

That is clearly an area of disagreement.

In parallel with the Bill, we are waiting for Lord Dunlop to report on the UK Government's Union capability. At the Public Administration and Constitutional Affairs Committee a few weeks ago, the Chancellor of the Duchy of Lancaster said that that would come before this Bill hits the statute book. It is clearly, again, putting the cart before the horse.

We have to admit and understand the asymmetry across the Union given the size of England. It is not hard for us to try to do that. I am somebody who thinks that, despite our Union being forged in conflict, with a very difficult history, it is actually precious. It is an exemplar of what is good about politics, democracy, how we can come together with the hard graft of compromise and the ability of us as politicians to evolve our positions and reflect change over time. However, that has to be based on respect.

It is clear that the heavy-handed way in which the Government have introduced this Bill—and, I have to say, many of the speeches given to Conservative Members to read—has not appreciated such respect or the fragility of the Union. We could have had minimum standards included in this Bill, and we could have had the frameworks put on a statutory footing. It could have been done very differently, and that is a source of great regret.

This is not just an economic Bill, as we were sold it in the first place; it is a deadly serious constitutional Bill, and it is deeply problematic. I would like to speak more about Northern Ireland, but I cannot given the time. Again, it was deeply irresponsible of the Secretary of State for Northern Ireland to herald the Bill in the way he did. We know the situation is fragile and we know that Brexit creates difficult problems on the island of Ireland, and it behoves all of us to dial down the rhetoric and recognise that we are now in for a very long haul on the processes to make this work.

Whether in the Joint Committee, the specialised committee, the joint working group, strands 2 and 3 of the Good Friday/Belfast agreement, the British-Irish

[Karin Smyth]

Council or the British-Irish Parliamentary Assembly, of which I am proud to be a vice-chair, we are not able to meet at the moment as parliamentarians. That is a real problem because we are not able to talk with people with whom we disagree fervently, but with whom we need to make peace across these islands.

With our demise in the EU, the fact that the 25-odd meetings a day we had as British and Irish parliamentarians—we do have many more common interests than with the rest of the EU—are lost and that those relationships are about to fall away is something the Government need to take much more seriously. In 1990, we started forging these agreements as parliamentarians across these islands, and that was when we started to develop the peace that came some eight years later.

The Government must treat not only the regions and parts of the United Kingdom with much more respect, but they must now take much more seriously the implementation of strands 2 and 3 and the relationship with the Irish Government. We know that there are more things to come with tariffs, and so on, and the Government need to take much more heed of that.

Andrew Bowie: It is a pleasure to speak in this debate on this vital Bill, as it was when I spoke on Second Reading and in Committee.

Contrary to popular belief, I have a lot of respect for my colleagues on the Scottish National party Benches. Their view about the future of Scotland is very different from mine, but I respect their view. I respect the fact that they come down here to improve the lives of Scots in their particular way, as I hope they respect the fact that, from my perspective, I believe I am doing the same, although with a Conservative bent. That is especially the case with the spokesperson for the SNP today, the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry), which is maybe why I was so disappointed by the tone he struck in his speech. He did not take very much instruction from my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) about the overuse of hyperbole.

Maybe that is also why I am a little perturbed by SNP Members' opposition to what is a very good Bill—a Bill that is pro-business, pro-consumer and ultimately pro-Scotland. I know they will not take my word for that—I understand that—but maybe they will take the word of the CBI, which said that protecting the UK internal market is “essential”, and that:

“Preserving the integrity of the internal single market—the economic glue binding our four nations—is essential to guard against any additional costs or barriers to doing business between different parts of the UK.”

Or maybe they will take the words of the Scottish Retail Consortium, which said:

“Scottish consumers and our economy as a whole benefit enormously from the UK’s largely unfettered internal single market.”

And I have already quoted Andrew McCornick, the president of the National Farmers Union Scotland, who said:

“NFU Scotland’s fundamental priority, in the clear interest of Scottish agriculture as well as the food and drinks sector it underpins, is to ensure the UK Internal Market effectively operates as it does now.”

That is what this Bill does: it underpins and cements in statute the existence of our most important market—the internal market of our United Kingdom.

5.15 pm

This is a Bill that will allow more money to be given to specific projects in Scotland, yet the Scottish National party’s amendments 18 and 29 would remove the ability of this place to spend more money in Scotland, depriving SNP Members’ own constituents of more funds for specific infrastructure projects. This is a Bill that underpins the transfer of vast powers over the everyday lives of their constituents from Brussels to Edinburgh, yet the SNP claim yet again that we are engaged in some sort of power grab from the devolved Administrations.

We have heard the SNP say before, and they said it again today, that this Bill drives a coach and horses through existing powers such as powers over minimum unit pricing of alcohol, yet in Government amendments 32 to 34 we make it clear that it most certainly does not—that the manner of sale requirements are out of the scope of the Bill and the mutual recognition principle, so minimum unit pricing of alcohol will not be affected. I heard the hon. Member for Inverness, Nairn, Badenoch and Strathspey complain that those Government amendments had been tabled, yet that is exactly what he was asking for only a week ago.

This is a very good Bill for Scottish people, for Scottish businesses, for Scottish consumers and for the entire United Kingdom. [Interruption.] Maybe if the hon. Gentleman stopped engaging in a conversation with Government Front Benchers, he might listen to the reasons why this Bill is good for his constituents and good for the entirety of Scotland. If he really cared about the Scottish economy, the lives of his constituents and the life of every Scot, he would not move his amendments today but vote with the Government to ensure that this Bill passes and that we cement our most important market in statute, as set out in the Bill.

Alan Brown: It is a kind of pleasure to follow the hon. Member for West Aberdeenshire and Kincardine (Andrew Bowie). He strikes a conciliatory tone and he sounds reasonable, but the bottom line is that he talks complete tosh. Nobody in the SNP is arguing against preserving the UK internal market, but this Bill does not preserve the internal market; it actually undermines Scotland’s position, because it means we can be forced to accept conditions imposed on us by Westminster. It undermines devolution for the very same reason.

The hon. Gentleman says that the Bill allows the UK Government to spend more money in Scotland. That is bypassing the devolution settlement. There is nothing to stop the UK Government working with the Scottish Government at the moment to give the Scottish Government more money to spend on infrastructure and to discuss with them our needs in Scotland.

The hon. Gentleman supports a Prime Minister who in the past has said:

“A pound spent in Croydon is of far more value to the country than a pound spent in Strathclyde.”

A Prime Minister who wanted the Barnett formula scrapped. A Prime Minister who said:

“I do think it is pretty monstrous that you have free care for the elderly in Scotland and no tuition fees...when you still get considerable subsidies from the rest of the UK”.

Where is the respect for devolution and for the Scottish Government making their own policy decisions in Scotland? It is non-existent.

As we have heard, clause 46 is the biggest power grab ever, allowing the UK Government to impose spending decisions on Scotland, bypassing the elected Government of Scotland. We have heard that it will be additional money, but where is the proof? This allows the Tory Government to cut the Scottish block grant and then spend that money for its own political gain, pretending that it is top-up money when it is not. It is a con trick.

The first sentence of clause 46 includes the provision:

“A Minister of the Crown may....provide financial assistance to any person”.

Given the Tory track record—as we have heard, they have awarded a ferry contract to a company with no ferries, awarded PPE contracts to their cronies and outsourced the track and trace scheme, for example—how can we trust their spending judgments and their integrity to spend money in Scotland, supposedly for our benefit?

Scotland previously relied on EU structural funds to help to plug shortfalls from Westminster, and now we are supposed to trust the UK prosperity fund, which sits in the Department of English communities and local government, managed by a Secretary of State who ploughed the English towns fund money into Tory marginal seats and who made an unlawful planning decision to save a Tory donor millions of pounds. There is no way we can trust him to look after the needs of Scotland. We cannot trust the Tory Government with clause 46 and, to rub salt in the wounds, clause 47 allows returns and punitive interest to be applied to any spending that comes through clause 46.

Clause 48 allows Westminster to decide what is and is not allowed with state aid. Let us look at farming, for example. The Scottish Government may wish to pay headage figures for lamb and beef production, but the UK Government could overrule that if they do not support English farmers in the same way. If we get to the stage where the free marketeers have their way and UK Government state subsidy is eliminated for certain sectors, by default, the Scottish sectors will also have their rug pulled from under them because of state aid rules. How does that respect devolution? When it comes to farming, the UK Government have form, previously having stolen the common agricultural policy convergence uplift money from the EU.

We know the risk of imports of chlorinated chicken and hormone-injected beef. However, Argentinian beef could come in and undercut the market. Genetically modified crops could be imposed in Scotland. We have more robust climate change targets that could now be overruled by Westminster. The Government might impose this Bill on the Scottish Parliament against its will, but they are going to lose the independence argument.

Marco Longhi (Dudley North) (Con): I rise to speak in support of the Government's Bill and their amendments. This Bill exposes an inherent weakness in the withdrawal agreement—namely, that while the EU and UK Government must use best endeavours and act in good faith to reach an agreement, it does not spell out a clear course of action if either or both of those criteria are not met. We all know that the EU has become accustomed to a United Kingdom that repeatedly comes back to the

table asking for an extension, and maybe this is why the EU's format of negotiation is a sequencing one, meaning that it agrees to move forward only once an agreement has been reached on a previous matter. This has the effect of incurring huge delays, and the EU's unwillingness to multitask must have a purpose—namely, continuous delays desirable to the EU and damaging to the UK's prospects of a good deal.

Is the sequencing approach to negotiating a demonstration of using best endeavours or negotiating in good faith? I submit that it is not. It is now clear to most objective observers that the EU's current interpretation of the Northern Ireland protocol is to use it as a lever in the negotiations. How is that a demonstration of negotiating in good faith? This Bill will ensure that Northern Ireland remains part of the UK's customs territory and that Northern Ireland businesses retain unfettered access to GB markets. I must, however, place on record that more needs to be done in relation to Northern Ireland, having heard very powerful and compelling speeches from Unionist colleagues today and previously.

We know that the withdrawal agreement provided for the Joint Committee to set out heads of terms of a future deal, but the prospect of there being a timely and full agreement now appears unlikely. Why does the EU fail to agree at the Joint Committee on a single exemption from controls and tariffs for any goods flowing between GB and Northern Ireland? Is that behaviour consistent with best endeavours and good faith? Again, I submit that it is not. Why is it failing to agree exemptions at the Joint Committee on food checks for food moving between GB and Northern Ireland when we have been a member of the EU for 40 years and set standards ourselves? However, more fundamentally, what country and what Government in their right mind would devolve such fundamental sovereign powers to a foreign entity so that it would have the right to decide whether we can move our own food around our own Union of nations, as we have done for centuries? If we do not deliver this Bill, the EU will also have jurisdiction over how state aid decisions are made, for example on bail-outs related to covid or any future crisis.

For all those reasons, the Bill is about the delivery of Brexit and about sovereignty. It puts into law the ability for the Government to take action if a deal is not agreed. It delivers on an instruction that the good people of Dudley, and across our Union, gave this place not only in the 2016 referendum but at the last general election. We should, and must, press on with this.

Tracy Brabin (Batley and Spen) (Lab/Co-op): The debates have been robust and challenging, and I have learned so much about Scottish politics. It has been a pleasure to listen to the sibling rivalry across the House. I have learned a great deal—thank you.

This evening we will be asked to vote on a Bill that moves us towards a situation in which the Government will break their own international treaty obligations. That will make negotiating future deals even harder, at a time when the Government should be focusing on tackling covid rather than reopening Brexit battles. However, I am encouraged by the number of amendments and new clauses in the names of my right hon. Friend the Member for Doncaster North (Edward Miliband) and my hon. Friends the Members for Manchester

[Tracy Brabin]

Central (Lucy Powell) and for Sheffield Central (Paul Blomfield), and all those who have worked tirelessly to try to improve the Bill.

New clause 3 would place on the Government a duty to consult, monitor, report on and review parts of the Bill, including the shared prosperity fund. That is incredibly important to my constituency, which is in desperate need of levelling-up opportunities. My constituents have grown weary of glitzy marketing campaigns such as the northern powerhouse or social mobility, which have failed to deliver meaningful and widespread opportunities for them and their families. New clause 3 would militate against the shared prosperity fund going the same way, because Ministers would have to return to the House to update hon. Members. That report would allow us to examine whether the internal market will deliver desperately needed opportunities across our country. Let us not forget that the Centre for Cities called the UK

“the most geographically unequal developed economy in the world”.

The new clause would also require oversight of any cynical attempt to use the shared prosperity fund as a reward for Conservative MPs in red wall seats.

There is an urgent need to bring new jobs and development out of the south-east and into communities that have talent, people, and enthusiasm but are in need of opportunities. If we are to spread growth around the country in a consistent way, the power to do that must be in the hands of local leaders. By the time the Government report back, we should not still be debating whether the Bill strips devolved authorities of power and undermines the Union. Instead, we should be talking about how it places opportunity in the hands of local representatives—the very people who work in those communities, and know them far better than centralised Whitehall Departments ever could.

The shared prosperity fund replaces the EU structural fund, which many parts of our country benefited from. In Yorkshire and Humber, that fund was about €796 million. Currently, when drawing down resources from that fund, priorities for support funding need to be set locally and delivered by those engaged in the projects locally. The Government should deliver the fund by building on that principle of engagement, and by empowering our devolved Administrations, local authorities and elected mayors. The Government must trust our regional leaders to do what is right for their communities.

The Bill is about Britain’s reputation and position in the world. It is also about how we serve our communities better and ensure that our prosperity is shared properly across our country, on the basis of what would have been received had the referendum result been different.

A number of new clauses and amendments would improve the Bill, and I will be supporting them fully today.

Mary Kelly Foy (City of Durham) (Lab): As a member of the Northern Ireland Affairs Committee, and someone with family roots in Ireland, I have taken a key interest in the Government’s manoeuvrings over the Northern Ireland protocol and the United Kingdom Internal Market Bill. I am concerned, not especially for the reputation of Her Majesty’s Government, but for people on both sides of the Irish border, many of whom are

very worried about the potential return of a hard border, the erosion of the principles of the Good Friday agreement, and all that that might mean.

5.30 pm

Peace is not maintained by agreements on paper alone; it is maintained by the hard work of communities and, yes, politicians. For 22 years, that peace has been built. While it is a testament to all the people involved that it seems far fetched to believe that sectarian violence, unrest and instability might return, it would be a massive mistake if the Government were complacently to sweep that possibility under the carpet.

The Good Friday agreement and the stability that it has brought are based on the absence of a hard border between Northern Ireland and the Republic. Anything that risks that, as this Bill does with its dismissal of international treaties, also risks the peace—maybe not overnight and maybe not in weeks or months, but over a longer period. That would be inexcusable, and indeed a terrible legacy to leave. What does the Secretary of State have to say to people in Northern Ireland who will, right now, be fearful that the Government are recklessly endangering everything they have built over the last two decades?

Endangering the Good Friday agreement would also be a huge breach of trust. Back in October 2019, in a statement to the House regarding the Northern Ireland protocol, the Prime Minister assured us:

“Our negotiations have focused on the uniquely sensitive nature of the border between Northern Ireland and the Republic, and we have respected those sensitivities. Above all, we and our European friends have preserved the letter and the spirit of the Belfast/Good Friday agreement”.—[*Official Report*, 19 October 2019; Vol. 666, c. 571.]

So where is that commitment now?

It is not just Opposition Members who are concerned. As we have heard already, presidential candidate Joe Biden said recently:

“We can’t allow the Good Friday Agreement that brought peace to Northern Ireland to become a casualty of Brexit. Any trade deal between the US and UK must be contingent upon respect for the Agreement and preventing the return of a hard border. Period.”

We should remember, too, that the Good Friday agreement was not just an agreement between most of the political parties in Northern Ireland and the Irish Government, but was given consent by the public across the island of Ireland in a referendum. It is crucial that we stick to its principles and values for the sake of future security in Northern Ireland and for its people.

I feel it is disgraceful that the Government want to play party political games with these vital issues. The Prime Minister has claimed that the EU is acting in bad faith, but I sat in the Northern Ireland Affairs Committee last week, and the Secretary of State for Northern Ireland has clearly said:

“These talks began in March and continued throughout the summer in a spirit of good faith and mutual respect for the delicate arrangements in Northern Ireland.”

So which is it? Playing fast and loose with the future of Northern Ireland by threatening to undermine a deal Ministers themselves have said was agreed to secure the Good Friday agreement is not only bad politics from the Government; it is dangerous. I ask the Government

to bear that in mind and to start looking for serious, long-term solutions that protect the hard-won peace for generations to come.

Jerome Mayhew (Broadland) (Con): Clause 46 has been the subject of much heated debate in this Chamber, yet when I read it, it seems innocuous enough. It provides power for a Minister of the Crown to provide financial assistance to promote lots of good things—economic development, infrastructure, cultural activities and sport—yet this has caused such seeming offence to the nationalists in Scotland that they have tabled amendment 18 to do away with the power in its entirety.

The SNP talks of a power grab, and yet it is an incontrovertible fact that not a single power held in Edinburgh, Cardiff or Belfast is being removed. In fact, the opposite is taking place—more than 70 powers currently held in Brussels are being devolved, which the SNP would like to give back to the EU. It is true that not every power currently held in Brussels is passing to the devolved Administrations. The reason is that the Government are properly applying the constitutional devolution settlement between the four nations, and quite right too.

I have heard the Scottish nationalists assert that clause 46 goes against the principles of devolution, but the opposite is true. Devolution in Scotland was devised by the late right hon. Member for Glasgow Anniesland. As the father of devolution, Donald Dewar set out his vision in the 1997 White Paper “Scotland’s Parliament”, which said:

“Westminster will continue to be responsible for those areas of policy best run on a United Kingdom basis.”

It goes on:

“By preserving the integrity of the United Kingdom, the Union secures for its people participation in an economic unit, which benefits business, provides access to wider markets and investment and increases prosperity to all.”

That is the vision that Scots backed in 1997, and it is exactly the approach that the Government are following in clause 46.

To be clear, this is not money repatriated from the EU, nor is it money taken from the devolved Assemblies. This is money granted by the Parliament of the United Kingdom to be spent across the United Kingdom. This is money that is needed throughout our country. The response to covid-19 is the most recent example of why we all benefit from this power residing at UK level and as the devolution settlements require.

To cushion the profound economic shock of the virus, the UK Government put in place a truly monumental system of business and employment support, in addition to their spending allocations to the four nations. In Scotland alone, nearly 800,000 jobs—almost a third of the entire workforce—were protected by the furlough scheme and the self-employment income support schemes. In addition, a minimum £12.7 billion has been provided, including £6.5 billion to Scotland, on top of the spring Budget—a 25% increase on pre-virus spending levels.

How do we have access to that money? It does not come from our financial reserves as a nation. Sadly, it comes from the UK Government’s ability to raise debt at very low interest rates because the markets have faith in the financial strength of this United Kingdom. It is the strength created by a unity of 68 million people with the financial firepower of the City of London and

Charlotte Square combined. To pretend otherwise would be to perpetrate a fraud on the people of Scotland, Wales and Northern Ireland.

There are arguments for independence, but to remove the powers of the UK Government to provide ongoing financial assistance to every part of the United Kingdom would be a huge disservice to the people of Scotland. And for what reason? To promote a nationalist agenda, even at the cost of support for the people of Scotland.

Bill Esterson (Sefton Central) (Lab): The Chancellor of the Duchy of Lancaster described the breaching of international law as a “safety net”. That breaching of international law is set out clearly as being such in article 5 of the withdrawal agreement that this Government signed up to, put to the British people and passed in legislation. There is no shadow of a doubt that even bringing this legislation to the House means breaching international law, with all the consequences that flow from that.

To call this a safety net is entirely wrong. It is anything but that. There is nothing safe in the breach of international law whatsoever, as the Minister well knows. The breach of international law invites retaliation under the terms of the World Trade Organisation. It invites us being regarded as a pariah. It invites others to say that we are in no position to criticise those who routinely break international law. It undermines this country’s fine reputation, as set out by Margaret Thatcher—revered by all Conservative Members—who said that Britain is nothing if not a country that sets an example to other countries. It undermines the promised negotiations for deals around the world, including the fundamental negotiation right now with the European Union. We were promised by this Government—by their Prime Minister—that 80% of our trade would be covered by international trade agreements after Brexit had been concluded. What is the figure now? It is 8%—that is all they have managed, not the 80% they promised. The safety net has a great big hole in it; it is nothing of the kind. What of the Prime Minister, who described it as a safety net as well—as a means of preventing this fanciful blockade of Great Britain to Northern Ireland trade? If that were true, why is there nothing in the Bill that deals with this alleged shortcoming?

No safety net is needed, either, because the dispute resolution mechanisms set out in the withdrawal agreement and in the Northern Ireland protocol provide everything that we could possibly need. If those protections are followed step by step, we stay within international law, so why are the Government so keen to go beyond that? The right hon. and learned Member for Torridge and West Devon (Mr Cox) set out what is already provided—I remember; I was here—when he stood at the Dispatch Box and described the process as providing a clear and lawful set of responses, and he was right to do so.

We should not be going down this road. The agreement was signed, it was promised to the British people, and the Prime Minister told us that it was in perfect conformity with the Northern Ireland protocol. This Bill is not needed in its current form. The Government should take out the illegal actions that they are proposing and they should be honest with the British people.

James Sunderland (Bracknell) (Con): The first duty of any Government is to protect their people from existential threats: it is called defence of the realm.

[James Sunderland]

Given that this overrides all other considerations, we need to see this Bill against the backdrop of our negotiations with the EU. It is not only a necessary piece of legislation in its own right but provides an insurance policy against the EU seeking to divide the Union or subjugate our right to exist as a sovereign trading nation.

The central premise of the Bill is to provide clarity over the internal market, to shed regulation, and to apportion powers to the home nations. This is about not just life after Brussels but supporting countless jobs and livelihoods across our whole country. Given that seamless trade between the devolved nations is proven and sacrosanct, there is no question but that we are better off together within the Union and that those who seek to divide us are not working in our nation's best interests.

I subscribe to the Government's insistence that the new powers in the Bill seek to protect peace in Northern Ireland, the integrity of the Good Friday agreement, the viability of the internal market, and the importance of the Union. I am also clear that there must not be a hard border between Northern Ireland and the Republic, and that pragmatic measures are needed to reinforce the sanctity of what has been achieved by politicians on all sides. To be frank, the EU does not have a trump card in this regard, and it is for the UK alone to decide what is best for the UK.

New clauses 4 and 5 are pragmatic; clarifying the role and scope of the Competition and Markets Authority within the wider protocols is necessary. Given that, for example, Northern Ireland exports 1.6 times more to the UK than to the EU and imports 2.5 times more from the UK than from the EU, we must maintain Northern Ireland's integral place in the UK internal market and within its customs territory in the same way that we need to maintain a similar level of integrity for England, Scotland and Wales.

On new clauses 1, 2 and 3, the Bill already contains the safeguards that are needed to uphold the independence of the courts, uphold the rule of law and implement the withdrawal agreement—which, of course, the UK will do. I do not believe it is necessary to impose the environmental safeguards required by new clause 6 for the simple reason that the UK is already at the cutting edge of the green agenda, and that financial assistance to any part of our Union should not be dependent on a climate and nature emergency statement. That will prohibit, rather than enable.

5.45 pm

To conclude, I will support the Government at all stages of the Bill. To alleviate doubt, the Bill will allow the economic freedoms currently enjoyed across the UK to be maintained, providing the certainty, security and opportunity that British business needs to survive and thrive. The notion that we should accept a customs border down the Irish Sea or could be consigned by the EU to the status of Myanmar is just plain bonkers. The Bill is needed to ensure that we do not harm the Union or threaten the Good Friday agreement. To be absolutely clear, herein lies the responsibility of every one of us in this place, for the simple reason that we are British MPs and our duty is to the UK, not to the EU.

Mr Deputy Speaker (Mr Nigel Evans): Order. I wish to inform the House that I shall call the Minister at 6 pm to respond to this lengthy debate in five minutes, and then the questions will be put.

Kirsten Oswald (East Renfrewshire) (SNP): This Bill is shameful and the Conservative party is shameless. The Bill is misconceived, ill-advised and designed to wholly override any notion of devolution. The Welsh Government have described it as

“an affront to the people of Wales, Scotland and Northern Ireland, who have voted in favour of devolution on numerous occasions.”

The Bill seeks to break international law and to break devolution.

One of the many vexing things about this brazen, law-breaking, power-grab Bill is when the UK Government try to suggest it is not so or that there is nothing to be concerned about, as if we should just disregard clear, undisputable facts. Just look at clause 46: it is a mucky muckle power grab. Plainly, the UK Government either know perfectly well what they are doing and they are intent on breaking international law, undermining the Northern Ireland protocol and stripping powers away from the devolved Administrations, or they are utterly and shamefully incompetent. It has to be one of those two things, or perhaps both. What it cannot be, and what is frankly an insult to the intelligence of people watching this charade in Scotland, is the nonsense that some Conservative Members engage in when they suggest that, despite all the evidence to the contrary, their UK Government is somehow exceptionally above international law. That is the dangerous exceptionalism that sits at the heart of the Bill and that is what lies behind their plans to break international law and ride roughshod over the devolved Governments.

We will all suffer for it if the UK Government have their way, because—look at clause 48—these plans open the door to their race to the bottom, to bargain-basement Britain. That is regardless of the many voices calling for them to change tack—the Scottish Government, the Welsh Synod, the Northern Irish Assembly, the General Teaching Council for Scotland, the NFUS, the STUC, former Prime Ministers and the Chair of the Public Administration and Constitutional Affairs Committee. I could go on all night. In the eyes of the UK Government, they are all wrong. I am afraid that is not credible. This Trumpian truth-twisting is all part of their plan to ride roughshod over the law, the Sewel convention and Scotland's ability to make the decisions that are right for the people of Scotland. Of course, that holds for Wales and it holds for Northern Ireland, as we heard last week when we were discussing part 5.

I have not agreed with the right hon. Member for Maidenhead (Mrs May) on many occasions, but she hit the nail on the head last week when she called the UK Government out on their disregard for law and good faith. This UK Government cannot be trusted. They cannot be trusted on Scotland, on devolution, on standards and on upholding international law. In fact, the Bill shows they cannot be trusted at all. It is no wonder that the Scottish Government are unable to recommend legislative consent.

We were told that we should lead, not leave, that we are a partnership of equals. Actions speak louder than words, and the actions of this reckless UK Government

speaking loudly and clearly of the pressing need for Scotland to steer another course as far away from the direction of the UK Government as possible.

Aaron Bell (Newcastle-under-Lyme) (Con): It is a pleasure to follow the hon. Member for East Renfrewshire (Kirsten Oswald), although I fear there is very little common cause between her speech and mine. The internal market is a shared asset, and we all want it to work effectively. As we recover from covid, we must ensure that our economy becomes stronger than ever. That is why the Government have introduced this legislation: to guarantee the continued functioning of that internal market, to ensure that trade remains unhindered in the UK. That is why I support the Government amendments and the Bill as a whole, and I urge the House to reject the Opposition amendments.

It is apparent that we need a clear state aid policy that resides in Westminster, because, as much as the SNP likes to pretend this is the English Parliament, all parts of the UK are represented here, and this place is the only place with the legal and moral authority to act on behalf of the whole of the United Kingdom. Also, our ability to develop trade relations with other countries depends on our having a co-ordinated approach to state aid across our own country, the United Kingdom.

I do not believe that the Bill, or any of the specific provisions in question, undermine our commitment to the Good Friday agreement. Rest assured that those of us on this side of the House remain fully committed to the provisions of that agreement. We will not allow it to be undermined by any possible failure of negotiations, nor by any bad faith interpretations of clauses in the Northern Ireland protocol, and I pay tribute to the speeches from my hon. Friends earlier in the debate.

I will touch on the controversy over the key clauses in part 5: clauses 42, 43 and 45. I am no lawyer, and there are many Members in this House more learned than I am, but it seems to me that international law is breached all the time. The recent actions of the French navy in the channel breached the UN convention on the law of the sea. Where was the pearl clutching from the Opposition Benches then? The German Constitutional Court ruling in May set aside a ruling of the European Court of Justice and brought that international law into question. The European Union itself was only too happy to set aside its own treaties when the stability of its own union was put at risk during the financial crisis.

It seems, as my constituency neighbour, my hon. Friend the Member for Stone (Sir William Cash), put it earlier, international law is, in fact, a mixture of law and politics; I think he said it was 40% the former and 60% the latter. That does not mean that we should not be mindful of our international reputation, but our friends and allies around the world would not expect us to accept bad faith interpretations of the Northern Ireland protocol. They would not expect us to impose unreasonable restrictions on our own internal sovereignty.

That is why the clauses are in the Bill. They are, as my right hon. Friend the Minister for the Cabinet Office said, a safety net in the event of a failure of negotiations. I believe, too, that they strengthen our hand in those negotiations. The people of Newcastle-Under-Lyme expect their representative to stand up for them, but they also expect him to stand up for Britain, and that is what I am doing by backing the Bill.

I do not believe, therefore, that Government amendment 66, which is now incorporated in clause 54, was strictly speaking necessary, though I pay tribute to my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), whose amendment inspired it. However, I believe that incorporating that amendment was wise, because by leaving the final decision about these matters in the hands of this Parliament we are making it clear where sovereignty in these matters, and in this country, truly resides.

Stephen Kinnock (Aberavon) (Lab): Every once in a while, a piece of legislation comes that goes to the very heart of our character as a country. The internal market Bill is one such piece of legislation. It goes to the very heart of our economy, our national identity and our constitution. There is no doubt that the legislation is necessary. We need a strong internal market so that businesses can trade freely across the UK's four nations, which will be vital for our shared prosperity, and we want the Government to get on and deliver what they promised: an oven-ready Brexit deal in place for 1 January, so that we can get on with tackling the coronavirus crisis.

However, whether seen through the prism of the economy, of our national reputation or of our constitution, the Bill is fundamentally flawed. On the economy, it creates the conditions for a race to the bottom. Mutual recognition of standards without common frameworks in place simply opens the back door to hormone-injected beef and chlorinated chicken becoming the norm.

Internationally, the Bill will severely damage Britain's standing in the world. The Government have freely and openly confirmed that the Bill will breach international law by overriding elements of the withdrawal agreement signed only nine months ago by the Prime Minister himself. As the Foreign Secretary himself stated in January:

"global Britain is...about continuing to uphold...our heartfelt commitment to the international rule of law...for which we are respected the world over."—[*Official Report*, 13 January 2020; Vol. 669, c. 768.]

Our country's reputation is on the line. Surely, we want to be seen as a trustworthy nation with which other countries can do business in good faith. Surely, we want to strike good trade deals across the world. Surely, we want to be able to stand up to the world's authoritarian regimes with credibility. I know many Government Members are extremely concerned about the damage the Government are doing to Britain's standing in the world. I hope that that concern will be reflected in the Division Lobby this evening.

As a Welsh MP who believes passionately in a strong Wales within a strong United Kingdom, I am profoundly concerned that the Bill risks the integrity of our Union. Devolution is based on the principle of informed consent, but the UK Government are hellbent on cutting the devolved Administrations out of the conversation. Surely, one of the lessons of the covid crisis is that the overcentralised control freakery of this Government is simply not working. The days of being able to sit behind a desk in Whitehall, pull a lever and expect it to deliver the desired outcomes in places such as Aberavon are over. Modern Government should be built on consultation and co-operation, not top-down diktat. As chair of the all-party group on post-Brexit funding, I am profoundly concerned that this approach will be applied to the shared prosperity fund. There is a risk

[Stephen Kinnock]

that the UK will undertake both a money grab and a power grab from the devolved nations with regard to how that development funding will be spent. Further still, we hear that the Government plan to funnel money directly into Conservative seats in what can only be described as the worst sort of pork-barrel politics.

The Prime Minister loves to present himself as a Churchillian patriot, but is it patriotic to divide our country? Is it patriotic to tarnish our country's reputation overseas? Is it patriotic to undermine our economy and the standards we hold so dear? Absolutely not. The key elements of the Bill are holding our country back. We need competence and consensus, not bluster and bullying. We need to deliver on this deal and move forward.

Taiwo Owatemi (Coventry North West) (Lab): I am pleased to be able to contribute to the debate.

This House and all our constituents were promised an oven-ready deal. Now, it seems as though the Government are not only failing on that promise, but increasingly showing that there was nothing in the oven at all. Britain's greatness is built on our values and the fact that we have long stood up for the rule of law. However, the Bill represents the disregard of an international treaty the Prime Minister himself personally negotiated and signed up to. If the UK Government can break international laws with their former friends and allies, what will they do to others? Is that the basis and dreadful reputation on which we are seeking to negotiate and agree trade deals with others?

The Government promised to get Brexit done and indeed they should: not by any means necessary, but with the strongest protections in place for my constituents in Coventry North West and for constituents across the UK; and not through a no-deal Brexit, which would decimate jobs and businesses across the country, causing untold harm to our own communities. We need a Brexit deal that will protect jobs and safeguard our health and social care sector. Research from the University of Sussex estimates that the failure to secure a Brexit deal would reduce exports in the manufacturing industry by up to 20% and reduce jobs. The Prime Minister promised to protect our manufacturing industries, which are crucial to our economy and any recovery we hope to see in Coventry. Even a former member of his own Government, Margot James, appealed to the Government to support manufacturers in Coventry, which are already strained by the coronavirus pandemic. How can the Prime Minister safeguard jobs and commit to job creation in manufacturing in my constituency if he is committed to selling the UK short on delivering a Brexit that my constituents are proud of?

Coventry North West and the west midlands in general stand to lose the most from the Government playing fast and loose with both UK and international law. A University of Oxford study found that car production could halve by the middle of the next decade if the UK crashes out of the EU with no deal. We are already losing manufacturing jobs in Rolls-Royce Annesley, so what is next? We have so many thriving small businesses in Coventry North West, but the Bill does not serve them and makes a catastrophic no-deal Brexit more likely. Nor does it serve our health and social care sector, and my caseload attests to the fact that the Government do not have their eye on the ball. Breaking international

law will severely impact the UK's ability to negotiate trade agreements with countries that set a higher bar, as well as to protect the health sector and public health in the UK and to enhance health globally.

Despite what the Government would like people to think, Labour wants a Brexit deal negotiated so that we can press ahead with tackling issues such as the coronavirus, securing important trade deals—

Mr Deputy Speaker (Mr Nigel Evans): I am terribly sorry, Taiwo. We have to move on.

6 pm

Paul Scully: I thank everybody who has spoken in the debate, and I once again thank all right hon. and hon. Members who have engaged with the Bill during its stages. This is likely to be my last contribution on this particular Bill—[HON. MEMBERS: "More!"] I know, but I only have five minutes, and I want to pay tribute to my colleagues, the Minister of State, Cabinet Office, my hon. Friend the Member for Norwich North (Chloe Smith), and the Minister of State, Northern Ireland Office, my hon. Friend the Member for Worcester (Mr Walker), who have played an amazing role and worked so hard. I also pay tribute to my Bill team—Jon Robinson, Jeff Yen, Satchi Mahendran, Dom Entwistle, Henry Hutton, Phoebe Gould, Dominic Bull, James Frisby and, in my private office, Ollie Benbow-Wyke.

Those of us on the Government Benches have heard and participated in the passionate debates on the Bill during the past two weeks, and I pay tribute to all their considered contributions. My right hon. and hon. Friends have made some impassioned speeches about the need for business certainty and about why the Union is so much better together than apart.

The debates have obviously been passionate, because of the importance of the Bill, but some of the other speeches in this Chamber today, and on some of the Committee days, have been somewhat circular. We have heard that there will apparently not be a US trade deal, but that we will get chlorinated chicken. We have heard that we love devolved spending, but that we would rather it be done from Brussels. We have heard people celebrating 62 countries having left the UK at various points in their recent history. Not one of those has the UK pound or wanted to join a bigger political union such as—oh, I don't know—the EU, for example.

None the less, we want to make sure that we can get on with the Bill, because it is so important to continuing to provide certainty for businesses as we seek to recover from covid-19, prepare for the opportunities after the transition period and protect jobs. The Bill will ensure UK businesses can trade across our four home nations in a way that helps them invest and create jobs, just as they have for hundreds of years. We will do that in a way that supports and enables one of the largest transfers of power in the history of devolution, while maintaining that certainty for businesses. That will be done in a way that preserves our high standards, whether environmental, food or animal welfare, and in any number of other areas. It is therefore crucial that we pass this Bill, and I commend it to the House.

Mr Deputy Speaker (Mr Nigel Evans): Before I put the question, there are likely to be Divisions, so, please, will only Front Benchers go out through the door in front of me? All Back Benchers must leave behind me,

go down to Westminster Hall and join the queue. I am going to ask the Doorkeepers and the Whips to enforce that strictly, because we have to have social distancing.

I apologise to the seven MPs who were unable to get in. If anybody wishes to withdraw from Third Reading, please come and see me during the Division.

Question put and agreed to.

New clause 4 accordingly read a Second time, and added to the Bill.

New Clause 5

OFFICE FOR THE INTERNAL MARKET PANEL AND TASK GROUPS

“(1) The CMA may authorise an Office for the Internal Market task group constituted under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 to do anything required or authorised to be done by the CMA under this Part (and such an authorisation may include authorisation to exercise the power conferred on the CMA by this subsection).

(2) Schedule (Constitution etc of Office for the Internal Market panel and task groups) contains provision about the Office for the Internal Market panel and Office for the Internal Market task groups.” —(*Paul Scully.*)

This new clause enables functions of the Competition and Markets Authority under Part 4 to be carried out on the authority's behalf by Office for the Internal Market task groups constituted under Schedule 4 to the Enterprise and Regulatory Reform Act 2013: see NSI. This new clause would be inserted after Clause 28.

Brought up, read the First and Second time, and added to the Bill.

New Clause 1

WITHDRAWAL AGREEMENT AND RULE OF LAW DUTY

“(1) An appropriate authority exercising any function to which this Part (Northern Ireland Protocol) applies must—

- (a) respect the rule of law;
- (b) allow for the possibility of judicial review of an enactment, decision, act or omission by the appropriate authority;
- (c) use the provisions of Article 16 of the Protocol to protect the interests of the United Kingdom.

(2) An appropriate authority exercising any function to which this Part applies must comply with the obligations of the United Kingdom under international law.

(3) An appropriate authority exercising any function to which this Part applies must comply with—

- (a) the requirement under Article 5 (Good faith) of the Withdrawal Agreement for the EU and the United Kingdom to assist each other in full mutual respect and good faith to carry out the tasks which flow from the Agreement;
- (b) the requirement under Article 167 (Consultations and communications within the Joint Committee) for the EU and the United Kingdom to endeavour to resolve any dispute regarding the interpretation and application of the provisions of the Agreement by entering into consultations in the Joint Committee in good faith, with the aim of reaching a mutually agreed solution;
- (c) the requirement under Article 184 (Negotiations on the future relationship) of the Withdrawal Agreement for the EU and the United Kingdom to use their best endeavours, in good faith and in full respect of their respective legal orders, to take the necessary steps to negotiate expeditiously the agreements governing their future relationship referred to in the Political Declaration of 17 October 2019 and to conduct the relevant procedures for the ratification or conclusion

of those agreements, with a view to ensuring that those agreements apply, to the extent possible, as from the end of the transition period;

- (d) the requirements of the Good Friday or Belfast Agreement of 10 April 1998 between the Government of the United Kingdom and the Government of Ireland and the other participants in the multi-party negotiations, which is annexed to the British-Irish Agreement of the same date.

(4) An appropriate authority exercising any function to which this Part applies must comply with the Human Rights Act 1998.’ —(*Lucy Powell.*)

This new clause is intended to replace Clauses 42, 43 and 45 of the Bill, to require Ministers to respect the rule of law and uphold the independence of the courts and the practice of judicial review, and to require UK Ministers to implement the Withdrawal Agreement.

Brought up, and read the First time.

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

The House divided: Ayes 256, Noes 350.

Division No. 113]

[6.5 pm

AYES

Abbott, rh Ms Diane	Corbyn, rh Jeremy
Abrahams, Debbie	Cowan, Ronnie
Ali, Rushanara	Coyle, Neil
Ali, Tahir	Crawley, Angela
Allin-Khan, Dr Rosena	Creasy, Stella
Amesbury, Mike	Cruddas, Jon
Anderson, Fleur	Cryer, John
Antoniazzi, Tonia	Cummins, Judith
Ashworth, Jonathan	Cunningham, Alex
Bardell, Hannah	Daby, Janet
Barker, Paula	Davey, rh Ed
Beckett, rh Margaret	David, Wayne
Begum, Apsana	Davies, Geraint
Benn, rh Hilary	Davies-Jones, Alex
Betts, Mr Clive	Day, Martyn
Black, Mhairi	De Cordova, Marsha
Blackford, rh Ian	Debbonaire, Thangam
Blackman, Kirsty	Dhesi, Mr Tanmanjeet Singh
Blake, Olivia	Docherty-Hughes, Martin
Blomfield, Paul	Dodds, Anneliese
Bonnar, Steven	Doogan, Dave
Brabin, Tracy	Dorans, Allan
Bradshaw, rh Mr Ben	Doughty, Stephen
Brennan, Kevin	Dromey, Jack
Brock, Deidre	Duffield, Rosie
Brown, Alan	Eagle, Ms Angela
Brown, Ms Lyn	Eagle, Maria
Brown, rh Mr Nicholas	Eastwood, Colum
Bryant, Chris	Edwards, Jonathan
Buck, Ms Karen	Efford, Clive
Burgon, Richard	Elliott, Julie
Butler, Dawn	Elmore, Chris
Byrne, Ian	Eshalomi, Florence
Byrne, rh Liam	Esterson, Bill
Cadbury, Ruth	Evans, Chris
Callaghan, Amy	Farron, Tim
Cameron, Dr Lisa	Farry, Stephen
Campbell, rh Sir Alan	Fellows, Marion
Carden, Dan	Ferrier, Margaret
Carmichael, rh Mr Alistair	Fletcher, Colleen
Chamberlain, Wendy	Flynn, Stephen
Champion, Sarah	Foxcroft, Vicky
Chapman, Douglas	Foy, Mary Kelly
Cherry, Joanna	Furniss, Gill
Clark, Feryal	Gardiner, Barry
Cooper, Daisy	Gibson, Patricia
Cooper, Rosie	Gill, Preet Kaur
Cooper, rh Yvette	Glindon, Mary

Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanna, Claire
 Hanvey, Neale
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hoare, Simon
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Howarth, rh Sir George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Johnson, Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lewell-Buck, Mrs Emma
 Linden, David
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacAskill, Kenny
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor

McGovern, Alison
 McKinnell, Catherine
 McLaughlin, Anne
 McMahan, Jim
 McMorrin, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John
 Norris, Alex
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Osborne, Kate
 Oswald, Kirsten
 Owatemi, Taiwo
 Owen, Sarah
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Smith, Alyn
 Smith, Cat
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Richard
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon

Turner, Karl
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie
 Webbe, Claudia
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick

Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Bambos Charalambous and
Jeff Smith

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Ahmad Khan, Imran
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Amess, Sir David
 Anderson, Lee
 Anderson, Stuart
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, 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
 Bottomley, Sir 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
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Robert
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Cairns, rh Alun
 Campbell, Mr Gregory
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria

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

Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Gillan, rh Dame Cheryl
 Girvan, Paul
 Glen, John
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Griffiths, Kate
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Henderson, Gordon
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Holden, Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, John
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hunt, Jane
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Andrea
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg

Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Lamont, John
 Largan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Leigh, rh Sir Edward
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Brandon
 Liddell-Grainger, Mr Ian
 Lockhart, Carla
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 McVey, rh Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morrissey, Joy
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris

Pincher, rh Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 Sharma, rh Alok
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stewart, Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel

Stuart, Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Wakeford, Christian
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggan, Bill
 Wild, James
 Williams, Craig
 Williamson, rh Gavin
 Wilson, rh Sammy
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Young, Jacob
 Zahawi, Nadhim

Tellers for the Noes:
Eddie Hughes 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.

Mr Deputy Speaker (Mr Nigel Evans): Before we come to new clause 6, I remind Back Benchers to leave behind me and Front Benchers in front.

New Clause 6

ECONOMIC DEVELOPMENT: CLIMATE AND NATURE EMERGENCY IMPACT STATEMENT

“(1) Any financial assistance provided under Part 6 of this Act for the purpose of economic development must take into account the overarching need for a sustainable strategy aimed at long-term national well-being.

(2) Every proposal for financial assistance under this Act must be accompanied by a climate and nature emergency impact statement.

(3) Responsibility for the production of the climate and nature emergency impact statement required in subsection (2) resides with the applicant for financial assistance.

(4) Responsibility for assessment of the climate and nature emergency impact statement required in subsection (2) resides with Ministers, who are required to publish this assessment for any successful proposal.

(5) The climate and nature emergency impact statement produced should take account of any carbon budget, climate, nature and environmental goals approved by the relevant Parliament.

(6) In subsection (5), the ‘relevant Parliament’ means—

- (a) where the proposed financial assistance relates to a person in England, the House of Commons and the House of Lords;
- (b) where the proposed financial assistance relates to a person in Scotland, the Scottish Parliament;
- (c) where the proposed financial assistance relates to a person in Wales, Senedd Cymru;
- (d) where the proposed financial assistance relates to a person in Northern Ireland, the Northern Ireland Assembly.” —(Caroline Lucas.)

The intention of this new clause is to ensure that those seeking financial assistance for economic development, etc under this Act are obliged to undertake a climate and nature emergency impact statement to ensure public money is only granted to development consistent with climate, nature and environmental goals and targets.

Brought up.

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

The House divided: Ayes 258, Noes 351.

Division No. 114]

[6.21

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Allin-Khan, Dr Rosena
Amesbury, Mike
Anderson, Fleur
Antoniazzi, Tonia
Ashworth, Jonathan
Bardell, Hannah
Barker, Paula
Beckett, rh Margaret
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Brabin, Tracy
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burgon, Richard
Butler, Dawn
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Callaghan, Amy
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Chamberlain, Wendy

Champion, Sarah
Chapman, Douglas
Cherry, Joanna
Clark, Feryal
Cooper, Daisy
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Davey, rh Ed
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doogan, Dave
Dorans, Allan
Doughty, Stephen
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Eastwood, Colum
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Elmore, Chris
Eshalomi, Florence
Esterson, Bill

Evans, Chris
Farron, Tim
Farry, Stephen
Fellows, Marion
Ferrier, Margaret
Flynn, Stephen
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanna, Claire
Hanvey, Neale
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Rachel
Hosie, Stewart
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Johnson, Dame Diana
Johnson, Kim
Jones, Darren
Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Linden, David
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacAskill, Kenny
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana

Malhotra, Seema
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Mishra, Navendu
Monaghan, Carol
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Newlands, Gavin
Nichols, Charlotte
Nicolson, John
Norris, Alex
O’Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Oswald, Kirsten
Owatemi, Taiwo
Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Pollard, Luke
Powell, Lucy
Qureshi, Yasmin
Rayner, Angela
Reed, Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Siddiq, Tulip
Smith, Alyn
Smith, Cat
Smith, Nick
Smyth, Karin
Sobel, Alex
Spellar, rh John
Starmar, rh Keir
Stephens, Chris
Stevens, Jo

Stone, Jamie
 Stringer, Graham
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Richard
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie

Webbe, Claudia
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Bambos Charalambous and
Jeff Smith

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Ahmad Khan, Imran
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Amess, Sir David
 Anderson, Lee
 Anderson, Stuart
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, 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
 Bottomley, Sir 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
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Robert
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob

Cairns, rh Alun
 Campbell, Mr Gregory
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Churchill, Jo
 Clark, rh Greg
 Clarke, Mr Simon
 Clarke, Theo
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Clifton-Brown, Sir Geoffrey
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Davison, Dehenna
 Dinenage, Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, rh Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Michael
 Ellwood, rh Mr Tobias

Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, Vicky
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Gillan, rh Dame Cheryl
 Girvan, Paul
 Glen, John
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Griffiths, Kate
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Henderson, Gordon
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, John
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hunt, Jane
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Javid, rh Sajid
 Jayawardena, Mr Ranil

Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Andrea
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Leigh, rh Sir Edward
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Brandon
 Liddell-Grainger, Mr Ian
 Lockhart, Carla
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherylyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 McVey, rh Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morrissey, Joy
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Neill, Sir Robert

Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Pincher, rh Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 Sharma, rh Alok
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark

Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stewart, Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Wakeford, Christian
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Wild, James
 Williams, Craig
 Williamson, rh Gavin
 Wilson, rh Sammy
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Young, Jacob
 Zahawi, Nadhim

Tellers for the Noes:
Eddie Hughes and
Leo Docherty

(b) develop mitigations to safeguard the place of Northern Ireland businesses and consumers in the UK internal market.

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

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

Brought up.

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

The House divided: Ayes 264, Noes 342.

Division No. 115]

[6.35 pm

AYES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Ali, Rushanara
 Ali, Tahir
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Anderson, Fleur
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Bardell, Hannah
 Barker, Paula
 Beckett, rh Margaret
 Begum, Apsana
 Benn, rh Hilary
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blake, Olivia
 Blomfield, Paul
 Bonnar, Steven
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Ms Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burgon, Richard
 Butler, Dawn
 Byrne, Ian
 Byrne, rh Liam
 Cadbury, Ruth
 Callaghan, Amy
 Cameron, Dr Lisa
 Campbell, rh Sir Alan
 Campbell, Mr Gregory
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Cherry, Joanna
 Clark, Feryal
 Cooper, Daisy
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Davey, rh Ed
 David, Wayne
 Davies, Geraint
 Davies-Jones, Alex
 Day, Martyn
 De Cordova, Marsha
 Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Donaldson, rh Sir Jeffrey M.
 Doogan, Dave
 Dorans, Allan
 Doughty, Stephen
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Eshalomi, Florence
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Fellows, Marion
 Ferrier, Margaret
 Fletcher, Colleen
 Flynn, Stephen
 Foxcroft, Vicky
 Foy, Mary Kelly
 Furniss, Gill
 Gardiner, Barry
 Gibson, Patricia
 Gill, Preet Kaur
 Girvan, Paul
 Glindon, Mary
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian

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.

New Clause 7

NORTHERN IRELAND'S PLACE IN THE UK INTERNAL MARKET

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

- (a) publish an assessment at least every 12 months of any impact on businesses and consumers arising from the Protocol on trade between Great Britain and Northern Ireland and vice versa; and

Hanvey, Neale
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hoare, Simon
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Howarth, rh Sir George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Johnson, Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Linden, David
 Lloyd, Tony
 Lockhart, Carla
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacAskill, Kenny
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McKinnell, Catherine
 McLaughlin, Anne
 McMahan, Jim
 McMorrin, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol

Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John
 Norris, Alex
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Osborne, Kate
 Oswald, Kirsten
 Owatemi, Taiwo
 Owen, Sarah
 Paisley, Ian
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Robinson, Gavin
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Shannon, Jim
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Smith, Alyn
 Smith, Cat
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Stringer, Graham
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Richard
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie
 Webbe, Claudia

West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira

Wilson, rh Sammy
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Bambos Charalambous and
Jeff Smith

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Ahmad Khan, Imran
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Amess, Sir David
 Anderson, Lee
 Anderson, Stuart
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, 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
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Braverman, rh Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Brokenshire, rh James
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Robert
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Cairns, rh Alun
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Churchill, Jo
 Clark, rh Greg
 Clarke, Mr Simon

Clarke, Theo
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Clifton-Brown, Sir Geoffrey
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Davison, Dehenna
 Dinenage, Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, rh Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, Vicky
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Ghani, Ms Nusrat

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

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

Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Sharma, rh Alec
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stewart, Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek

Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Wakeford, Christian
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Wild, James
 Williams, Craig
 Williamson, rh Gavin
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Young, Jacob
 Zahawi, Nadhim

Tellers for the Noes:

**Tom Pursglove and
 David T. C. Davies**

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.

Clause 3

RELEVANT REQUIREMENTS FOR THE PURPOSES OF SECTION 2

Amendments made: 31, page 2, line 30, leave out subsection (3).

The amendment omits subsection (3) of Clause 3, which is superseded by the subsection (4A) inserted by Amendment 32.

Amendment 32, page 3, line 10, at end insert—

“(4A) A manner of sale requirement is not within the scope of the mutual recognition principle unless subsection (4C) applies.

(4B) For this purpose a “manner of sale requirement” is a statutory requirement that governs any aspect of the circumstances or manner in which the goods are sold (such as where, when, by whom, to whom, or the price or other terms on which they may be sold).

(4C) A statutory requirement that—

(a) is worded as a manner of sale requirement, but

(b) appears to be designed artificially to avoid the operation of the mutual recognition principle in relation to what would otherwise be a requirement within the scope of that principle,

is to be regarded as a relevant requirement, despite subsection (4A).

This subsection would apply, for example, where a manner of sale requirement involves an unusually restrictive condition such that it would be impossible to comply with the condition and have a practical chance of selling the goods.”

The amendment makes clear that manner of sale requirements (as defined in the proposed subsection (4B)) are outside the scope of the mutual recognition principle. The only exception will be where a requirement appears to be designed artificially to present something that would otherwise be a relevant requirement in the form of a manner of sale requirement.

Amendment 19, page 3, line 11, leave out subsection (5).—(Paul Scully.)

The amendment is consequential on Amendment 21 which inserts into Clause 15 (interpretation of Part 1) a new subsection explaining references to production, in relation to plants or fungi or to livestock or other animals. The new general subsection supersedes Clause 3(5) which this amendment leaves out.

Clause 6

RELEVANT REQUIREMENTS FOR THE PURPOSES OF THE NON-DISCRIMINATION PRINCIPLE

Amendments made: 33, page 5, line 4, after “as” insert “where.”

The amendment, with Amendment 34, brings the wording of Clause 6(4)(a) into line with the new clause 3(4B) inserted by Amendment 32.

Amendment 34, page 5, line 5, after “or the” insert “price or other”.—(Paul Scully.)

The amendment, with Amendment 33, brings the wording of Clause 6(4)(a) into line with the new clause 3(4B) inserted by Amendment 32.

Clause 7

THE NON-DISCRIMINATION PRINCIPLE: DIRECT DISCRIMINATION

Amendments made: 35, page 5, line 39, , leave out “Local goods” and insert “Goods (“the other goods”)”.

This amendment and Amendments 36 to 38 correct a drafting error. Clause 7(4) helps to determine whether or not goods are “local goods”, so should not be worded as applying only to “local goods”.

Amendment 36, page 5, line 42, leave out “local” and insert “other”.

See the explanatory statement for Amendment 35.

Amendment 37, page 6, line 2, leave out “local” and insert “other”.

See the explanatory statement for Amendment 35.

Amendment 38, page 6, line 5, leave out “local” and insert “other”.—(Paul Scully.)

See the explanatory statement for Amendment 35.

Clause 11

MODIFICATIONS IN CONNECTION WITH THE NORTHERN IRELAND PROTOCOL

Amendment made: 20, page 8, line 3, at end insert—

“(5A) Subsection (5B) applies for the purposes of paragraph 1 of Schedule 1 in a case where Northern Ireland is the “affected part” within the meaning of sub-paragraph (2) of that paragraph.

(5B) In determining whether the condition in sub-paragraph (3) of that paragraph is met, a pest or disease is to be taken to be present in Northern Ireland if it is, or may be, present in qualifying Northern Ireland goods (including when the goods are in Great Britain).”—(Paul Scully.)

This amendment modifies the exclusion in paragraph 1 of Schedule 1 so that it applies to threats posed by pests or diseases that are or may be transmitted in qualifying Northern Ireland goods (without necessarily being established in Northern Ireland).

Clause 15

SERVICES: OVERVIEW

Amendment made: 21, page 10, line 26, at end insert—

“(10A) A reference (however expressed) to the production of anything includes—

- (a) cultivation, harvesting and similar activities (in relation to plants or fungi) and
- (b) rearing, keeping, handling, killing and similar activities (in relation to livestock or other animals).”—(Paul Scully.)

The amendment clarifies, for the purposes of Part 1 that references to production include various activities carried out in relation to plants or fungi or to livestock or other (live) animals.

Clause 16

SERVICES: EXCLUSIONS

Amendments made: 22, page 11, line 34, leave out paragraph (b).

This amendment is consequential on Amendment 23.

Amendment 23, page 11, line 37, at end insert—

“(7A) For the purposes of this section, an authorisation requirement is substantively changed if a legislative requirement that would, if not satisfied, prevent a service provider from satisfying the authorisation requirement is substantively changed.”

This amendment would ensure changes to the conditions attached to authorisation requirements would bring the authorisation requirement (and corresponding authorisation requirements) within the scope of Part 2.

Amendment 24, page 12, leave out line 1.—(Paul Scully.)

This amendment would omit the definition of business.

Clause 21

INTERPRETATION OF PART 2

Amendment made: 25, page 14, line 24, at end insert—

“(1A) If a function conferred by legislation may only be exercised in a way that would impose a regulatory requirement in respect of which section 19(1) or 20(1) applies, the function is to be treated as though it were a regulatory requirement for the purposes of those sections (and ignoring section 16(5)).

(1B) Subsection (1A) does not affect the continuation in force or the continuing effect of a requirement of the sort described in section 16(5)(c) and not preserved by section 16(6) (existing requirements).”—(Paul Scully.)

This amendment would deal with a case where a regulator has an obligation to apply discriminatory requirements.

Clause 25

OTHER EXCEPTIONS FROM SECTION 22

Amendment made: 26, page 18, line 17, after “re-enactment” insert “or replication”.—(Paul Scully.)

This amendment adjusts the definition of “existing provision” in Clause 25 so as to cater for replications of provision other than legislation (for which “re-enactment” would not be the appropriate term).

Clause 28

FUNCTIONS OF THE CMA UNDER THIS PART: GENERAL PROVISIONS

Amendment made: 1, page 21, line 38, at end insert—

“(6A) For the purposes of the law relating to defamation, absolute privilege attaches to any advice given, or report made, by the CMA (or a person acting on the CMA’s behalf) in the exercise of any functions of the CMA under this Part.”—(Paul Scully.)

This amendment provides a defence of absolute privilege in relation to advice given, or reports made, in the exercise of functions under Part 4.

Clause 30

ADVISING ETC ON PROPOSED REGULATORY PROVISIONS
ON REQUEST

Amendment made: 2, page 23, line 17, leave out “legislative”.—(Paul Scully.)

See the explanatory statement for Amendment 11.

Clause 31

PROVISION OF REPORT ON REQUEST AFTER REGULATORY
PROVISION IS PASSED OR MADE

Amendment made: 3, page 24, line 27, leave out “legislative”.—(Paul Scully.)

See the explanatory statement for Amendment 11.

Clause 33

STATEMENTS ON REPORTS UNDER SECTION 32

Amendments made: 4, page 26, line 39, leave out “legislative” and insert “devolved”.

See the explanatory statement for Amendment 11.

Amendment 5, page 26, line 43, leave out “legislative” and insert “devolved”.

See the explanatory statement for Amendment 11.

Amendment 6, page 27, line 3, leave out “legislative” and insert “devolved”.—(Paul Scully.)

See the explanatory statement for Amendment 11.

Clause 39

INTERPRETATION OF PART 4

Amendments made: 7, page 31, line 10, leave out “legislative”.

See the explanatory statement for Amendment 11.

Amendment 8, page 31, line 11, leave out “legislative” and insert “devolved”.

See the explanatory statement for Amendment 11.

Amendment 9, page 31, line 12, leave out “legislative” and insert “devolved”.

See the explanatory statement for Amendment 11.

Amendment 10, page 31, line 14, leave out “legislative” and insert “devolved”.

See the explanatory statement for Amendment 11.

Amendment 11, page 31, line 21, leave out subsection (7) and insert—

“(7) ‘Scottish devolved competence’, ‘Welsh devolved competence’, ‘Northern Ireland devolved competence’ and ‘reserved competence’ are to be interpreted in accordance with subsections (8) to (11).

(8) A regulatory provision, so far as applying to Scotland—

(a) is within Scottish devolved competence if it—

(i) would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament, or

(ii) is provision which could be made in subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone;

(b) otherwise, is within reserved competence.

(9) A regulatory provision, so far as applying to Wales—

(a) is within Welsh devolved competence if it—

(i) would be within the legislative competence of Senedd Cymru if contained in an Act of Senedd Cymru (assuming that any consent by a Minister of the Crown were given), or

(ii) is provision which could be made in subordinate legislation by the Welsh Ministers acting alone;

(b) otherwise, is within reserved competence.

(10) A regulatory provision, so far as applying to Northern Ireland—

(a) is within Northern Ireland devolved competence if it—

(i) would be within the legislative competence of the Northern Ireland Assembly, and would not require the consent of the Secretary of State, if contained in an Act of that Assembly,

(ii) is contained in, or was made under, Northern Ireland legislation, and would be within the legislative competence of the Northern Ireland Assembly, and would require the consent of the Secretary of State, if contained in an Act of that Assembly, or

(iii) is provision which could be made in subordinate legislation by the First Minister and deputy First Minister in Northern Ireland acting jointly, a Northern Ireland Minister or a Northern Ireland department;

(b) otherwise, is within reserved competence.

(11) A regulatory provision, so far as applying to England, is within reserved competence.”—(Paul Scully.)

This amendment and amendments 2, 3, 4, 5, 6, 7, 8, 9 and 10 widen certain references to competence in Part 4 so that executive competence (as well as legislative competence) in each jurisdiction is included.

Clause 45

FURTHER PROVISION RELATED TO SECTIONS 42 AND 43
ETC

Amendment proposed: 16, page 37, line 10, leave out Clause 45.—(Stephen Farry.)

Question put, That the amendment be made.

The House divided: Ayes 256, Noes 354.

Division No. 116]

[6.51 pm

AYES

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

David, Wayne
 Davies, Geraint
 Davies-Jones, Alex
 Day, Martyn
 De Cordova, Marsha
 Debonnaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doogan, Dave
 Dorans, Allan
 Doughty, Stephen
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Eastwood, Colum
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Eshalomi, Florence
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Fellows, Marion
 Flynn, Stephen
 Foxcroft, Vicky
 Foy, Mary Kelly
 Furniss, Gill
 Gardiner, Barry
 Gibson, Patricia
 Gill, Preet Kaur
 Glindon, Mary
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanna, Claire
 Hanvey, Neale
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Howarth, rh Sir George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Johnson, Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah

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

Reeves, Rachel
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Smith, Alyn
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison

Thomas, Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Richard
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie
 Webbe, Claudia
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:

**Mr Alistair Carmichael and
 Wendy Chamberlain**

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Ahmad Khan, Imran
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Amess, Sir David
 Anderson, Lee
 Anderson, Stuart
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, 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
 Bottomley, Sir 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
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Robert
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Cairns, rh Alun
 Campbell, Mr Gregory
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Churchill, Jo
 Clark, rh Greg
 Clarke, Mr Simon
 Clarke, Theo
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Clifton-Brown, Sir Geoffrey
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Davison, Dehenna

Dinenage, Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, rh Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, Vicky
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Gillan, rh Dame Cheryl
 Girvan, Paul
 Glen, John
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Griffiths, Kate
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver

Heapey, James
 Heaton-Harris, Chris
 Henderson, Gordon
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, John
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Andrea
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Lamont, John
 Largan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Leigh, rh Sir Edward
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Brandon
 Liddell-Grainger, Mr Ian
 Lockhart, Carla
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen

McVey, rh Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morrissey, Joy
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Pincher, rh Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, Mark
 Quin, Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew

Shannon, Jim
 Sharma, rh Alok
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stewart, Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Wakeford, Christian
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggan, Bill
 Wild, James
 Williams, Craig
 Williamson, rh Gavin
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Young, Jacob
 Zahawi, Nadhim

Tellers for the Noes:
Tom Pursglove and
David T. C. Davies

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.

Clause 45

FURTHER PROVISION RELATED TO SECTIONS 42 AND 43
ETC

Amendments made: 12, page 37, line 23, after “law” insert—

“(and section 6(1) of the Human Rights Act 1998 does not apply in relation to the making of regulations under section 42(1) or 43(1))”

See the explanatory statement for Amendment 13.

Amendment 13, page 37, line 40, at end insert—

“(2A) Regulations under section 42(1) or 43(1) are to be treated for the purposes of the Human Rights Act 1998 as if they were within the definition of “primary legislation” in section 21(1) of that Act.”

This amendment, and amendments 12 and 14, would provide that regulations under section 42(1) or 43(1) are to be treated as primary legislation for the purposes of the Human Rights Act 1998.

Amendment 15, page 37, line 40, at end insert—

“(2B) No court or tribunal may entertain any proceedings for questioning the validity or lawfulness of regulations under section 42(1) or 43(1) other than proceedings on a relevant claim or application.”

This amendment would provide that no court or tribunal may entertain proceedings for questioning the validity or lawfulness of regulations under section 42(1) or 43(1) apart from proceedings on a claim or application for judicial review.

Amendment 14, page 38, line 31, at end insert—

“but does not include the Convention rights within the meaning of the Human Rights Act 1988 (see section 1(1) of that Act);”—(*Alok Sharma.*)

See the explanatory statement for Amendment 13.

New Schedule 1

CONSTITUTION ETC OF OFFICE FOR THE INTERNAL
MARKET PANEL AND TASK GROUPS

1 Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (the Competition and Markets Authority) is amended as follows.

2 (1) Paragraph 1 is amended as follows.

(2) In sub-paragraph (1)(b)—

- (a) in the words before paragraph (i), for “to membership of” substitute “as follows”;
- (b) in paragraph (i), at the beginning insert “persons appointed to membership of”;
- (c) in paragraph (ii), at the beginning insert “persons appointed to membership of”;
- (d) in paragraph (iii), at the beginning insert “persons appointed to membership of”;
- (e) after paragraph (iii) insert—
 - (i) a person (the “OIM panel chair”) appointed to chair the Office for the Internal Market panel and to membership of the CMA Board;
 - (ii) other persons appointed to membership of the Office for the Internal Market panel (“the OIM panel”) (see Part 3A).”

(3) After sub-paragraph (2) insert—

- “(2A) Before making an appointment under paragraph (iv) or (v) of sub-paragraph (1)(b), the Secretary of State must consult—
- (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) the Department for the Economy in Northern Ireland.”

3 (1) Paragraph 3 is amended as follows.

(2) After sub-paragraph (2), insert—

“(2A) Appointment to membership of the OIM panel under paragraph 1(1)(b) is to be for a term of not more than eight years.”

(3) At the end insert—

“(4) Where at the beginning of a person’s term of appointment to membership of the CMA panel the person has already begun (and continues) to hold office as a member of the OIM panel, the term of the person’s appointment to membership of the CMA panel is to be treated for the purposes of sub-paragraph (2) as beginning when the person’s term of appointment to membership of the OIM panel began.

(5) Where at the beginning of a person’s term of appointment to membership of the OIM panel the person has already begun (and continues) to hold office as a member of the CMA panel, the term of the person’s appointment to membership of the OIM panel is to be treated for the purposes of sub-paragraph (2A) as beginning when the person’s term of appointment to membership of the CMA panel began.”

4 (1) Paragraph 4 is amended as follows.

(2) After sub-paragraph (1), insert—

“(1A) A person who has been appointed to membership of the OIM panel may be re-appointed to membership of the OIM panel only for the purpose of continuing to act as a member of a group constituted under paragraph 58B before the expiry of the person’s term of office.”

(3) In sub-paragraph (2), for “sub-paragraph (1)” substitute “sub-paragraphs (1) and (1A)”.

5 (1) Paragraph 6 is amended as follows.

(2) In sub-paragraph (2), for “of either the CMA Board or the CMA panel (but not of both)” substitute “of one, but not more than one, of the CMA Board, the CMA panel and the OIM panel,”.

(3) In sub-paragraph (3)—

- (a) in the words before paragraph (a), after “panel” insert “or both the CMA panel and the OIM panel”;
- (b) for paragraph (a) substitute—
 - (a) resign from one of those memberships (without resigning from the other), or”.

(4) After sub-paragraph (3) insert—

“(4) The OIM panel chair may at any time resign from membership of the CMA by giving written notice to this effect to the Secretary of State (and may not resign from the OIM panel, or any other office to which the person is appointed by virtue of paragraph 1(1)(b)(iv), except in accordance with this sub-paragraph).”

6 In paragraph 9(2)—

- (a) omit “or” at the end of paragraph (a);
- (b) after paragraph (b) insert “, or
- (c) a member of the OIM panel.”

7 In paragraph 10(2)(b), at the end insert “or the OIM panel”.

8 After Part 3 insert—

PART 3A**THE OIM PANEL***The OIM panel*

58A (1) The OIM panel is a panel of persons available for selection as members of a group constituted in accordance with this Part of this Schedule.

(2) The OIM panel is to consist of—

- (a) the OIM panel chair appointed under paragraph 1(1)(b)(iv), and

- (b) the other members of the panel appointed under paragraph 1(1)(b)(v).

Constitution of OIM task groups

58B (1) The OIM panel chair may at any time constitute a group in accordance with this Part of this Schedule for the purpose of carrying out on the CMA's behalf functions of the CMA under Part 4 of the United Kingdom Internal Market Act 2020.

(2) A group constituted as mentioned in sub-paragraph (1) is to be known as an Office for the Internal Market task group (or "OIM task group").

Membership of OIM task groups

58C (1) The members of an OIM task group are to be selected by the OIM panel chair.

(2) Each OIM task group is to consist of at least three members of the OIM panel.

(3) The OIM panel chair must appoint one of the members of an OIM task group to chair the group ("the task group chair").

58D The validity of anything done by an OIM task group is not affected by—

- (a) a vacancy;
- (b) a defective appointment.

Termination of person's membership of an OIM task group

58E A member of the OIM panel may at any time resign from an OIM task group by giving written notice to this effect to the OIM panel chair.

58F (1) Sub-paragraph (2) applies if the OIM panel chair considers that—

- (a) a member of an OIM task group will be unable, for a substantial period, to perform their duties as a member of the group, or
- (b) because of a particular interest of a member of an OIM task group, it is inappropriate for that person to remain a member of the group.

(2) The OIM panel chair may remove the person in question from membership of the task group.

58G A person ceases to be a member of an OIM task group on ceasing to be a member of the OIM panel.

Replacement of a member of an OIM task group

58H (1) Sub-paragraph (2) applies if a person ceases to be a member of an OIM task group, whether by being removed under paragraph 58F, or otherwise.

(2) The OIM panel chair may select a replacement member of the group from the OIM panel.

Continuity on removal or replacement

58I (1) A person's ceasing to be a member of an OIM task group, whether by being removed under paragraph 58F, or otherwise, does not prevent—

- (a) the group from continuing with anything begun before the person ceased to be a member of it;
- (b) any decision made or direction given by the person while a member of the group from having effect after they have ceased to be a member of the group.

(2) Sub-paragraph (1) applies whether or not a replacement member of the group is selected under paragraph 58H.

Powers of chair pending group's constitution and first meeting

58J (1) While an OIM task group is being constituted, the OIM panel chair may take such steps as the OIM panel chair considers appropriate to facilitate the work of the group once it has been constituted.

(2) The steps taken must be steps that it would be within the power of the group to take, had it already been constituted.

Independence of OIM task groups

58K (1) In exercising functions which they are authorised to exercise by virtue of any enactment, OIM task groups must act independently of the CMA Board.

(2) Nothing in sub-paragraph (1) prevents—

- (a) the CMA Board giving information in its possession to an OIM task group, or
- (b) an OIM task group giving information in its possession to the CMA Board.

Casting votes

58L If an OIM task group's vote on any decision is tied, the task group chair is to have a casting vote.

Procedure of OIM task groups

58M (1) An OIM task group may determine its own procedure (including determining its quorum).

(2) In determining its procedure under sub-paragraph (1), an OIM task group must have regard to any guidance issued by the CMA Board.—(*Alok Sharma.*)

This new schedule is about the constitution of Office for the Internal Market task groups, to which functions of the Competition and Markets Authority may be delegated by virtue of NC5, and the establishment of a panel from whose members such groups may be selected.

Brought up, and added to the Bill.

Schedule 2

SERVICES EXCLUSIONS

Amendments made: 27, page 53, leave out lines 28 and 29.

This amendment would remove private international law from the list of exclusions in Schedule 2

Amendment 28, page 53, leave out line 35—(*Alok Sharma.*)

This amendment would remove private international law from the list of exclusions in Schedule 2

Third Reading.

Madam Deputy Speaker (Dame Eleanor Laing): I inform the House that Mr Speaker has selected the reasoned amendment in the name of Ian Blackford.

7.8 pm

The Secretary of State for Business, Energy and Industrial Strategy (Alok Sharma): I beg to move, That the Bill be now read the Third time.

More than 150 right hon. and hon. Members have spoken during the passage of the Bill so far. We have had around 30 hours of often passionate debate, and I pay tribute to Members across the House for their contributions. The Public Bill Office has been unstinting in its support to all Members and officials across Government, and I am incredibly grateful for all its work. I particularly wish to thank the Minister for Small Business, Consumers and Labour Markets, my hon. Friend the Member for Sutton and Cheam (Paul Scully), the Minister for the Constitution and Devolution, my hon. Friend the Member for Norwich North (Chloe Smith), and the Minister of State, Northern Ireland Office, my hon. Friend the Member for Worcester (Mr Walker) who have ably steered the Bill through Committee and Report.

The UK internal market is the bedrock of our shared economic and social prosperity as a country. Since the Acts of Union, it has been the source of unhindered and open trade, which has supported growth and safeguarded livelihoods and businesses. It demonstrates that, as a Union, our country is greater than the sum of its parts.

Since 1973, EU law has acted as the cohering force for the UK internal market. In 2016, the British people voted to leave the European Union, which the Government delivered in January, and as we leave the transition period at the end of this year, the Government will leave the European Union's legal jurisdiction once and for all. We need to replace this law to continue the smooth functioning of our centuries-old internal market, while of course also ensuring that the devolved Administrations benefit from a power surge from Brussels.

Mr Vara: The fact is that there is nothing in this Bill that in any way compromises the Belfast/Good Friday agreement. Does my right hon. Friend agree that it is deeply regrettable that some people, for political purposes, seek to unnecessarily scaremonger, and that they should desist from doing so?

Alok Sharma: My hon. Friend makes an important point, and I will come on to it. As I was saying, we need to replace the law to continue the smooth functioning of our centuries-old internal market, while also ensuring that devolved Administrations benefit from that power surge from Brussels. The Bill will do precisely that.

Our approach will give businesses the regulatory clarity and certainty they want. It will ensure that the cost of doing business in the UK stays as low as possible, and it will do so without damaging and costly regulatory barriers emerging between the different parts of the United Kingdom. I cannot overstate the importance of this economic continuity Bill, especially as we seek to recover from covid-19. It is ultimately designed to safeguard jobs and livelihoods, protect businesses, give choice to consumers and continue to showcase the United Kingdom as a beacon for inward investment. That is why this legislation is so vital.

My Department and I, along with colleagues across Government, have spoken to a large number of businesses and business representative organisations across the whole of the United Kingdom about our proposals to safeguard our internal market. Businesses have overwhelmingly backed our approach. The British Chambers of Commerce has stressed that

“A fragmented system would create additional costs, bureaucracy and supply chain challenges that could disrupt operations for firms across the UK.”

NFU Scotland has emphasised the importance of protecting the UK internal market, stating:

“NFU Scotland's fundamental priority, in the clear interest of Scottish agriculture as well as the food and drinks sector it underpins, is to ensure the UK Internal Market effectively operates as it does now.”

I could go on. Make UK has noted that it is particularly important to manufacturers that they can trade simply and effectively across all parts of the United Kingdom. The business community is clear: we must continue to safeguard the sanctity of the seamless UK internal market.

The Bill also respects and upholds the devolution settlements—[*Interruption.*] The right hon. Member for Ross, Skye and Lochaber (Ian Blackford) says it does not. He will get a large number of powers—an unprecedented level of powers—back after the transition period. If he does not want them, he ought to stand up and say that, but the reality is that he is against this Bill because he wants to be shackled to the European Union forever. That is the reason he is against this—

Ian Blackford (Ross, Skye and Lochaber) (SNP): He's talking nonsense.

Alok Sharma: The right hon. Gentleman says from a sedentary position that I am talking nonsense. He just needs to re-read his Second Reading speech and he will see that it is full of inaccuracies. We have engaged in good faith with the devolved Administrations throughout the passage of the Bill. It was very unfortunate that the Scottish Government decided to walk away from the discussions on the internal market last year and, as I said, we want to continue to work constructively.

Let me turn briefly to the Northern Ireland element of this business Bill, which has attracted a disproportionate amount of interest and commentary. I and every Member on the Government Benches stood on a manifesto commitment to ensure that Northern Ireland businesses and producers enjoy unfettered access to the rest of United Kingdom, and that in the implementation of our Brexit deal we would maintain and strengthen the integrity and smooth operation of our internal market. The Bill delivers on those commitments. We have also been clear that we must protect the gains of the peace process and maintain the Belfast/Good Friday agreement.

Sammy Wilson: The Secretary of State is absolutely right that the Bill has no impact at all on the Good Friday agreement, and, indeed, is only helpful to the economy in Northern Ireland—but only helpful in a limited way. He talked about access to the UK internal market for Northern Ireland goods going into GB, but will he say something about the opposite direction? Northern Ireland depends so highly on imports from GB, and yet there is no mention of safeguards to stop trade being blocked in that direction.

Alok Sharma: The right hon. Gentleman knows that discussions continue. He and I have had those discussions as well. But he makes the point that this is a business Bill, and I hope that every Member, like him, will support it on Third Reading.

We have taken these powers to ensure that, in the event that we do not reach an agreement with our EU friends on how to implement the protocol, we are able to deliver on promises in our manifesto and in the Command Paper. This is a legal safety net that clarifies our position on the Northern Ireland protocol, protecting our Union, businesses and jobs.

Fleur Anderson (Putney) (Lab): The Irish Foreign Minister said recently that this Bill undermines the EU withdrawal legislation, has damaged trust between the Irish and UK negotiating teams, and is damaging Britain's reputation globally. Does that give the Secretary of State any cause for concern?

Alok Sharma: This has been debated over the long passage of the Bill in this House. As the hon. Lady and other Members will know, we introduced an amendment in Committee that provides a break-glass mechanism that ensures that the safety net will come into force only if a motion in this House is passed with a requirement for a take-note debate in the other place. I hope that will allow her to vote for the Bill on Third Reading.

Joanna Cherry: Will the Secretary of State give way?

Alok Sharma: I will not; I am now winding up.

This Bill provides the certainty that businesses want and need to invest and create jobs. It helps to maintain high standards and choice for consumers while keeping prices down. It reaffirms our commitment to devolution, supporting one of the biggest transfers of power to the devolved Administrations. It allows the Government to invest further in communities across the United Kingdom. This is about levelling up across the whole of the UK and strengthening our precious Union, which some would want to put at risk. I am a Unionist, as is the right hon. Member for Doncaster North (Edward Miliband); neither of us are separatists. Above all, the Bill continues to preserve the UK internal market that has been an engine of growth and prosperity for centuries. In voting for this Bill, we protect our constituents' jobs, businesses and livelihoods. I commend it to the House.

7.18 pm

Edward Miliband (Doncaster North) (Lab): I join the Business Secretary in paying tribute to the Public Bill Office for the work that it has done. I also profoundly thank my hon. Friends the Members for Manchester Central (Lucy Powell) and for Sheffield Central (Paul Blomfield) for the incredible hard work they did during the Bill's Committee and Report stages. I am pleased to see the Business Secretary back in his place for the Third Reading of the Bill. I am afraid to have to report that the person deputising for him on Second Reading did not do a great job. Next time the Prime Minister asks to fill in for him, I suggest that he tells him to go elsewhere and he will do a very fine job, thank you.

Let me go to the heart of the debates around this Bill. We support the principle of the internal market, but there are two profound flaws at the heart of the Bill, and that is why we will vote against it tonight. On devolution, Labour Members believe deeply in our Union, but the strength of our Union lies in sharing power, not centralising it, and this Bill does not learn that lesson. It makes a choice to impose the rule that the lowest regulatory standard in one Parliament must be the standard for all without a proper voice for the devolved Administrations. I have read carefully the debate in Committee and on Report, and there has been no proper answer forthcoming from the Government about why they did not seek to legislate for the common frameworks, as they could easily have done. Nor can they explain why they are taking such broad powers over public spending in specific devolved areas of competence.

Joanna Cherry: The right hon. Gentleman is making a powerful speech. Does he agree that the great scheme of devolution of the illustrious former leader of the Labour party in Scotland and Scotland's first First Minister under devolution, Donald Dewar, was that every power would be devolved unless specifically reserved? What is wrong with the Bill is that it gives the British Government the power to override devolved powers. That is the heart of the matter.

Edward Miliband: There is an important point here. To take the example of animal welfare or food safety, those powers remain devolved, but they are devolved in name only, because by imposing the minimum standard as the lowest standard for all legislatures, those powers are seriously undermined. I have to say to

the Business Secretary that I fear that the Bill will only strengthen the hand of those who want to break up the UK.

On international law, nobody should be in any doubt about the damage already done by the Bill. I do not blame the Business Secretary, but this law-breaking Bill has been noticed around the world by not just the Irish Government, not just our EU negotiating partners, and not just Joe Biden and Nancy Pelosi, who the Government can dismiss. Even President Trump's Northern Ireland envoy Mick Mulvaney visited the Republic of Ireland yesterday and said:

"I think anyone who looks at the situation"—

with the United Kingdom Internal Market Bill—

"understands there could be a series of events that could put the Good Friday Agreement at risk."

When the Trump Administration start expressing concern about your adherence to international agreements and the rule of law, you know you are in trouble. That is how bad this Bill is.

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

Edward Miliband: I am going to carry on.

It is important to hear the words of the right hon. Member for Maidenhead (Mrs May) in her coruscating and brilliant speech in Committee. Government Members are rolling their eyes about the former Prime Minister. She said that,

"the Government are acting recklessly and irresponsibly, with no thought to the long-term impact on the United Kingdom's standing in the world."—[*Official Report*, 21 September 2020; Vol. 680, c. 668.]

That is what a former Prime Minister—the previous Prime Minister—of this country said.

Sir William Cash: Does the right hon. Gentleman accept that in fact, in the past, there have been substantial breaches of international law by Labour Governments as well as by other ones? Furthermore, does he believe that the Iraq war was lawful?

Edward Miliband: This is unprecedented in the following sense: the Government are coming along and breaking an international agreement they signed less than a year ago. I have heard the hon. Gentleman, and I have read the debates on the issue, and he certainly has not produced an example in any way remotely similar to what is happening in the Bill.

I want to develop my argument, because an important point has been understated in the debate since Second Reading. The clauses are not simply wrong, as so many hon. Members on both sides of the House recognise; they are not simply unnecessary, because the protocol has mechanisms to deal with the issues at hand; but there has been a notable event since Second Reading that has exposed the Government's strategy even further, which is the cancellation of the Budget.

Let us recall the Government's fig leaf designed to hide their embarrassment. The issue was at-risk goods travelling from Great Britain to Northern Ireland. The whole case made by the Prime Minister was that the Bill was necessary to prevent the blockade of goods from GB into NI. The threat was described as "extraordinary"

and the very reason to break international law, but the measures, as we now know, to break the law in this Bill, do not, as he had to admit at Second Reading, deal with the issue of GB to NI trade.

The excuse was that GB to NI issues would be dealt with in the Finance Bill, as was explicit in the statement put out on 17 September by the Government, which said:

“Further measures will be set out in the Finance Bill, relating to tariffs on GB-NI movements, including the same Parliamentary process that the Government has committed to for the UKIM Bill.”

In case it escaped the House’s attention, the Budget has been cancelled and so has the Finance Bill. So where now is the mechanism to deal with the extraordinary threat that we face as a country? Can anyone on the Government side tell me where it is? The country faces an extraordinary threat that has to be dealt with, but the legislation we are considering does not cover it, nor does any legislation even in view.

I will give way to the Business Secretary if he would like to tell me how this will be dealt with. There is no answer—he would prefer not to. I do not blame the Business Secretary, because let us be clear what has happened here: the legislative hooligans in Downing Street who dreamed this up have moved on to something else, but the Bill is still with us, and so we are going through all this pain, all this grief, all this damage to our international reputation, and the central argument on which it is based is not even covered by any legislation.

What are we to conclude? Was this all a charade—a “dead cat” strategy, as I think it is known—to distract attention? Was it a trap designed to pretend that we were rerunning remain versus leave? Was it perhaps a Government strategy to pretend to their Back Benchers that the Government are willing to break the law in order to soften them up on accepting concessions in the endgame of the negotiations with the EU. Whatever the excuse, all of them reflect so badly on the Government.

We are at a grave national moment—our gravest for a generation, because of coronavirus. We are trying to conclude a Brexit deal, which is vital for our country. We need new trade deals, in which our word is our bond. Yet the Government play these appalling games, thinking so little of their Back Benchers that they think they can pull the wool over their eyes; willing to resile from a treaty that they signed, for a day’s headlines; playing fast and loose with the law for short-term gain.

The Bill will get its majority and go to the other place, but their lordships should know that, across this House, there is deep concern about it. That has been shown again and again by good people on both sides of the House in the last few weeks. I urge the other place to bring the Bill into compliance with the rule of law and salvage our reputation. But we in the House of Commons have a chance tonight to show our concern again. It is an indefensible Bill. It damages our country. It is wrong and self-defeating. I urge Members on all sides to oppose it tonight.

7.27 pm

Sir Robert Neill (Bromley and Chislehurst) (Con): The right hon. Gentleman spoke, as always, with great energy and passion. I sometimes regret that his successor as leader of the Labour party, the right hon. Member for Islington North (Jeremy Corbyn), did not show half

as much energy and passion in making the case during the referendum; if he had, we would not need to be debating this Bill at all, but there it is.

The reality is that we must make sure that, as we leave the transition period, we have a working internal market, and I therefore support the Bill in principle. I am delighted to see the Business Secretary. I hope he takes on board a point that I know his junior Minister, my hon. Friend the Member for Sutton and Cheam (Paul Scully) has noted: as we build a working internal market, I hope we can find ways in which to expand it to other close parts of the British family that are aligned with and have great synergy with us. For example, the Crown dependencies—the Isle of Man and the Channel Islands—which are linked closely already to financial services and many other parts of our economy.

In particular—I declare an interest as chair of the all-party parliamentary group on Gibraltar—we should make sure that the overseas territory of Gibraltar has clear, free and unfettered access to the UK internal market. They stood with Britain, despite the fact that, like me, they did not want to be in this situation. We owe it to them to make sure that they are not allowed to become collateral damage, economically or in other respects, as a result of the decision that we took. I hope the Business Secretary is actively engaged with the Government of Gibraltar to find ways in which we can make sure that they are able to participate fully in that market and benefit from it.

It is well enough known that the provisions relating to Northern Ireland cause me and many others great concern in their original form. I am grateful for the approach that the Government have adopted, and for the clarifications of their approach and on the changes that they have been willing to make. I will not pretend that we have solved every problem there. I will not rerun the discussion we had on Report, but I gently say this: sovereignty power and reserved powers are generally best used sparingly, lightly and with great deliberation. I hope that, having taken certain powers, we will make sure through our negotiations: first, that we never have need to use them, because the damage would be real were we to do so; and, secondly, that we exercise them with restraint. Like it or not, and whether necessary or not, even accepting the Secretary of State’s proposition that we need a “break glass in emergency” provision, we do have to reflect that this legislation has, for whatever reason, created concern among many of our closest allies and neighbours—people with whom we need to engage.

I want to be in a position where we can, for example, advance the excellent Judge Joanna Korner’s candidature for the International Criminal Court with a clear hand, and say that we are genuinely committed to the rule of international law. I want us genuinely to be able to say in the Parliamentary Assembly of the Council of Europe and other places that we remain committed to the rule of law internationally.

Bill Esterson: Will the hon. Gentleman give way?

Sir Robert Neill: I normally try to give way, but time is short; I hope that the hon. Gentleman will forgive me.

I hope that we will be able to say, as a number of hon. Friends of mine have been able to do in the Council of Europe, that we are—despite, for example, the difference

[*Sir Robert Neill*]

over prisoner voting rights—committed to the rule of law. We must make sure that we do not allow anything to undermine that, because reputations take time to build. Ours is an excellent one in international legal circles, and we do not want that to be lost.

The Secretary of State made a fair point about the desire for business continuity and for the UK to remain a beacon for inward investment. As well as benign tax and regulatory regimes, the other—perhaps the most important—reason that people invest here is the fact that we are regarded as a safe jurisdiction in legal terms and a safe polity in which to invest, because we do not behave in an arbitrary manner. I therefore hope that we will be very clear that we will stick rigidly to the clarifications and caveats that we gave in relation to the use of any emergency powers, and that such powers will be used carefully, proportionately and without ousting the other obligations that we entered into through the withdrawal agreement and the protocol.

Let me turn to the other matter relating to business continuity. It is important that we rebuild and strengthen our international links for the practical reason that was mentioned by an Opposition Member on Report, and that is the need to go forward. Once we have left the provisions of the EU arrangements at the end of the transition period, businesses will need and want to have a ready, efficient and swift means of enforcing contracts and judgments upon contracts across the EU and with our neighbours. To do that, at the very least we have to join, as a matter of urgency, the Lugano convention. To achieve membership of the Lugano convention, we must have the consent of the European Union members of that convention. At the moment, the Commission is recommending withholding that consent. The European Free Trade Association members have consented.

It would be profoundly dangerous and damaging for British business were we not able to access Lugano, because of all the difficulties for any international contract that I have pointed out. It would be a huge disadvantage and would affect individuals: the woman seeking to get maintenance payments from the absent father, who is now in an EU country; or the person seeking to pursue a personal injury claim, where the driver of the vehicle that went into them is in a different jurisdiction. Rebuilding the bridges to ensure that we can get back into Lugano may sound prosaic, but it is actually profoundly important for the good operation of our legal system once we have left. Sometimes a little less of the poetry—and a bit more of the prosaic—is required in government. I hope that we can now move forward into that stage.

7.33 pm

Ian Blackford (Ross, Skye and Lochaber) (SNP): I beg to move,

That this House declines to give a Third Reading to the United Kingdom Internal Market Bill because it contains provisions which allow the Government to break commitments it has made under international law, and because it does not have the agreed consent to legislate within the competencies of the devolved legislatures which is contrary to the established devolution settlement.

May I thank the Public Bill Office for the consideration that it has given to the SNP as we have sought to table amendments to the Bill? I also thank my hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) for the work that he has done in Committee.

This legislation has been rushed through by the UK Government over the course of the last two weeks, after a rushed consultation and a total failure to engage with the devolved Governments. The United Kingdom shows no respect for the devolved institutions in this Bill, and it does not have their consent. We are told that this legislation seeks to secure the Union, so it is telling that it has failed to gain the consent of even a single part of that Union.

With limited time in this House, parliamentarians have spent hours debating and dissecting this Bill. We have attempted to scrutinise every clause and every schedule to it. Members from all parts of the House have made significant speeches and a raft of Opposition amendments have been brought forward, yet here we are tonight and nothing has changed. This Bill still does exactly what it set out to do two weeks ago. It still breaks international law and it still breaks devolution. For the absence of doubt, let me make it clear: it breaks devolution.

It is the same auld with this Tory Government. They have not listened, they have not taken the chance to change course and they have not seen the need to compromise. This Government have typically and arrogantly ploughed on. Throughout the passage of the Bill, they have voted down and ignored anyone and everyone who has sought to defend devolution and uphold international law. The character of this Government is crystal clear: they are consistent in their contempt.

As always, we accept and respect decisions with regard to the selection of motions and amendments, but if Members refer to today's Order Paper, they will see that the Government had options available to them that would have perhaps demonstrated they did have some remaining respect for the devolution settlement and the national legislatures of these islands. They could have held over Third Reading until each of the devolved institutions had considered legislative consent motions. That would have been respectful to the devolved institutions. They could have referred the Bill for further scrutiny to the Scottish Affairs Committee, the Welsh Affairs Committee and the Northern Ireland Affairs Committee. Instead, they insist on using their majority to force the Bill through without even pretending they care what the devolved nations think.

Patrick Grady (Glasgow North) (SNP): I thank—*[Interruption.]* Conservative Members are getting very agitated about some of this, but is this not the point—the real power grab here and the real undermining of the devolution settlement is the callous disregard for the Sewel convention, which this Government put on a statutory footing and are now completely ignoring? That is one of the fundamental acts that has undermined devolution across these islands.

Ian Blackford: My hon. Friend is correct. You know, we were told after the referendum in Scotland in 2014 that Scotland's place would be respected and that we were to lead the United Kingdom, and here we find not just our Parliament in Edinburgh but the Administrations in Cardiff and in Northern Ireland being ignored. We can refuse to give consent, as we are doing, to this Bill, but the Government carry on regardless. Where is that respect for devolution? Where is the respect for the people of Scotland? In a referendum in 1997, 75% of

the people of Scotland voted for a Parliament. It is not the SNP's Parliament. It is not the Scottish Government's Parliament; it is the Parliament of the people of Scotland—the Parliament of the people of Scotland when the Scotland Act 1998 was passed that gave powers over devolved matters. What those on the Government Benches refuse to see—what the rest of us can see—is that this Parliament is giving itself the power to override the Scottish Parliament in health, in education, in transport and in housing.

Alok Sharma: No, it's not.

Ian Blackford: I can hear the Secretary of State shouting, but it is his Bill and I suggest he reads it, because clauses 46 and 47 are very clear: powers over infrastructure, including

“water, electricity, gas, telecommunications, sewerage or other services... railway facilities (including rolling stock), roads or other transport facilities... health, educational, cultural or sports facilities”.

The Secretary of State can sit and tell us that it does not override devolution. Well, the facts are in the Bill. What the Government have done is overridden devolution and, quite frankly, I can tell you, Madam Deputy Speaker, we in Scotland will be having absolutely none of it.

So tonight, just as—*[Interruption.]* You can chunter and shout all you like, but at the end of the day, the people in Scotland have been watching what has been going on over the past few months, with Scotland being disregarded. The fact is that we won the election in Scotland last December on the right of Scotland to choose its own future. We had no desire to be taken out of the European Union against our will. In England, you can choose to do what you want as far as Brexit is concerned, but we do not—

Madam Deputy Speaker (Dame Eleanor Laing): Order. I am sure the right hon. Gentleman meant that hon. Members can choose, because when he says “you”, he means me, and he knows that I have no such choice.

Ian Blackford: I am making it clear, Madam Deputy Speaker, that the people in England can choose what they like in this regard, but that we do not consent to Scotland being taken out of the European Union. We have a mandate from the people of Scotland that says we have the right to determine our future, yet we have the callous disregard of this Government, who have so far refused to grant a section 30 licence so that we can have a choice over our own future. Not only are they frustrating the will of the Scottish people to have that referendum on our future, but we now find that they are seeking to take powers back from our Parliament—*[Interruption.]* I can hear a Conservative Member saying that we have had our referendum, but the point is that when we had our referendum in 2014, we were promised that we would stay as members of the European Union, that we would be respected within this Union and that we were going to get a powerhouse Parliament that would be the strongest Parliament in the world. The opposite has happened, however, and when the facts change, people in Scotland have the right to change their mind.

What the Government do not seem to recognise is that support for the SNP and for independence is gathering momentum in Scotland—*[Interruption.]*

Conservative Members can chortle, but the reality is that many people who did not support Scottish independence in 2014 have rightly changed their minds. They have the choice of a future with Scotland being a member of the European Union and a law-abiding, independent country that accepts its responsibilities in a global world. They have a choice of creating a fairer society and of coming out of the covid crisis and building our economy. It is that choice and that clear vision that we offer, against what has been done to Scotland by this Conservative Government. I can tell this Government that what they are doing with this Bill is absolutely determining that the people of Scotland will make that choice and, yes, we will become an independent country, because we want no future with the disrespect that we see day in, day out from the Conservative Government to our Parliament in Edinburgh.

Pete Wishart: The more Conservative Members chortle, the more the support for Scottish independence will rise, and they know that. I heard the Minister say that this Parliament is Scotland's Parliament too, but, as my right hon. Friend will know, an opinion poll came out today. Does the Minister want to know what is in that opinion poll? Four times as many Scots now support the Scottish Parliament over this Parliament. Does my right hon. Friend agree that this Government's aggressive Unionism and undermining of our Parliament has failed, and that all it is doing is raising support for independence?

Ian Blackford: My hon. Friend is correct. I am sure that when he goes back to his constituency and speaks to people, he is finding, as I am, that we are being encouraged to get on with it. People have seen enough. They have seen what is happening to Scotland under this Conservative Government and, as I said earlier, we are having none of it.

So tonight, just as there was during Second Reading, there is a fundamental choice for every Member across the House. This is now the last chance to salvage some dignity and respect for democracy in this place. Leaving it to the other place would be a complete dereliction of duty. This is the democratically elected House, and it is our job to oppose this undemocratic piece of law.

Chris Bryant (Rhondda) (Lab): Of course I agree with the right hon. Gentleman about the Bill. It is a nonsense and a rogues' charter, as I said in a previous debate, but would he also encourage Members of the House of Lords, who have historically played a role in defending the rule of law, to ensure that they do their best to improve this legislation if that is possible?

Ian Blackford: I understand why the hon. Gentleman makes that call, but we should not be relying on the Members of the House of Lords; they are unelected. The fact is that this place has not done its job to defend the rule of law, or to protect devolution. I feel for Labour Members who were responsible, under Blair's Government, for bringing devolution in, because everything that was established under that programme has been undermined. There is a real call to everyone in Scotland, regardless of whether they voted for the SNP in the past, to recognise the maxim that power devolved is power retained.

[*Ian Blackford*]

People in the past have said to me, “Could Westminster shut down the Scottish Parliament?” I have argued in the past that that would be fanciful. Nobody could believe that our Parliament could be attacked in such a way, but what is happening with this Bill is that our Parliament, which has had the support of the people of Scotland—

Paul Scully: Is getting more power.

Ian Blackford: It is being usurped. It is not getting more power—read the Bill. Read clauses 46 and 47, and read clause 48, which takes away from Scotland the powers that we have over state aid. When I look at the Government Benches, it really is Trumpesque—twisting the truth beyond reality.

Alison Thewliss (Glasgow Central) (SNP): Does my right hon. Friend agree that one of the most harmful aspects of the Bill is set out in the explanatory notes? They state:

“The Bill will be a protected enactment under the Scotland Act 1998 and the Government of Wales Act 2006. It will be an entrenched enactment under the Northern Ireland Act 1998. This means that it cannot be modified by the Devolved Legislatures, and so it will not be open to those legislatures to disapply the provisions of the Bill, or modify their effect.”

We are stuck with it, and this Government can continue to make things worse if they choose to do so. It is taking it out of the Scottish Parliament’s hands.

Ian Blackford: My hon. Friend is correct. It is perhaps worth reminding the House, in this context, that we have the joint ministerial committees, which recognise their responsibility to put frameworks in place.

The Minister of State, Cabinet Office (Chloe Smith): And have done.

Ian Blackford: I hear the hon. Lady saying that they have done, and she is quite right about that, because the Governments in Edinburgh, Cardiff and Belfast recognised the need to work together, where it was appropriate, in creating the circumstances to ensure that there was continuation of a market across these islands. The commitment that I make, and that my party and my Government make, is that we will work constructively with the Government in London to ensure that that happens, but the rug has been pulled from under that by a UK Government who have introduced this Bill, who legislate for the market that they want to create and who attack the fact that we have provisions in Scotland in areas such as the environment, food standards and building standards, which we can no longer defend.

There will be a race to the bottom in accepting the lowest standards, and there is not a single thing that we can do about it. There is not a single thing that we can do to protect our food standards once this takes place. The Secretary of State is shaking his head, but we already have differences in, for example, pasteurised milk. What will happen post this? We will not have the ability to keep the uniqueness of our regulations. What happens to support for our crofters and farmers, for example?

The responsibility falls tonight on this House to do the right thing. I obviously understand if those on the Government Benches are unwilling to take advice from

me and my party, but they would do well to listen to the strength of the arguments emanating from some on their own Benches. During Committee, the former Prime Minister, the right hon. Member for Maidenhead (Mrs May), gave a powerful and insightful analysis of the dangers of this legislation. Her words are worth repeating for those left on the Conservative Benches who are not yet card-carrying members of Cummings and the Prime Minister’s ideological cabal. She concluded her remarks by warning:

“I consider that, in introducing clauses 41 to 45, the Government are acting recklessly and irresponsibly, with no thought to the long-term impact on the United Kingdom’s standing in the world. 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.]

Those are stark words from the former Prime Minister on what the Government are doing to trash the reputation of the United Kingdom. The right hon. Member for Maidenhead and I may not agree on much, but few could deny that not only were those words powerful, but they are very likely to be proven prophetic.—[*Interruption.*] I hear a comment, “Too long. It is not fair on everyone else.” I will tell Labour Front Benchers what is not fair. It is what has been done to Scotland tonight. I have the right, as the leader of the Scottish National party at Westminster, to make sure our voices are heard, and I tell the House that the SNP voices will be heard and will be heard without apology.

Despite the bluff and bluster we have repeatedly heard, none of us are fooled that this is some kind of benign business Bill. We know the real intent of this legislation: after 21 years of devolution, the Tories are stripping powers from our Scottish Parliament. The Tories did not support devolution and now they see the popularity of the Scottish Government and they do not like it. It is little wonder why, because that support for the Scottish Government stands in direct contrast to the unpopularity of Tory Governments from Westminster.

Earlier today, the Scottish social attitudes survey showed that public trust in the Scottish Government to act in Scotland’s best interest was at more than four times the trust shown in the UK Government. The survey, conducted in 2019-20, before lockdown, shows that people were nearly five times more likely to say that the Scottish Government should have more influence on how the country is run than that the UK Government should. Some 61% of people trusted the Scottish Government to work in Scotland’s best interest, which compares with a record low of 15% for the UK Government—and you can bet your boots that after what has happened tonight it will be a lot lower now than the 15% that was recorded.

Gary Sambrook: On a point of order, Madam Deputy Speaker. Is it in order for the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) to filibuster so much in order to prevent other people from being able to input into this debate? Surely it is not fair on so many people who want to contribute.

Madam Deputy Speaker (Dame Eleanor Laing): That is a reasonable question for the hon. Gentleman to ask, but if the right hon. Gentleman were to filibuster, it would not be in order and I would not allow him to do it. He is not filibustering; he is making a very powerful argument. I do note the hon. Gentleman’s point that the

right hon. Gentleman has spoken for twice as long as the other Front Benchers, and he will appreciate that a great many other people would like to make a contribution to this important debate tonight. However, that is not a matter for me. If the right hon. Gentleman has the floor, he can speak for as long as he wishes, but I know that he is both honourable and a gentleman, and that he will bear in mind that while he has the floor other people do not have the opportunity to speak.

Ian Blackford: Thank you, Madam Deputy Speaker. I think we had a demonstration there from the Conservative Benches that Members from Scotland should sit down and shut up, and that we should not be heard in this House. *[Interruption.]* I say to the hon. Member for Birmingham, Northfield (Gary Sambrook) that there is a very easy fix to that: let's have the section 30 order, let's have the referendum on Scottish independence and we can say goodbye to you—thank you and good night.

The Chancellor of the Duchy of Lancaster does not care for the polling numbers I referenced, and he does not care for devolution. After all, he is the architect of this Bill. *[Interruption.]* “Parliamentary etiquette”—my goodness! Devolution has been butchered and I hear Conservative Members talking about etiquette—what a load of keech. The Chancellor of the Duchy of Lancaster has set out his agenda: Scotland is to be dealt with, the Scottish Parliament is to have its wings clipped, and Westminster is to take back control and wants to give itself spending powers over our devolved matters.

Pete Wishart: I am interested in my right hon. Friend's view on the subject of keech. Does he agree that if Government Members want us to go, there is a very elegant and convenient solution, and it is right in front of them: Scottish independence? Support for it is on the rise, and then we will be quite happily out of this place.

Ian Blackford: My hon. Friend is right. Those on the Government Benches know that a referendum is coming; we should just get on with it.

This Bill gives Westminster direct spending control in devolved areas in Scotland—in health, education, housing and transport—and the people of Scotland know from long and bitter experience that the Tories cannot be trusted to spend money in Scotland. The Tories will look after their own interests. They will never support Scotland's interests, as tonight demonstrates. The passing of this Bill gives the Tories free rein to bypass Scotland's Parliament and the democratic priorities of the Scottish people.

The democratic principle of the right to choose our own form of governance is at the heart of what is at stake if the Tories force this legislation through tonight. They can try to deny it all they like, but it is the Tories themselves who are breaking the constitutional settlements that have been democratically supported across these islands. This legislation rips apart Scotland's claim of right, which enshrined the sovereign right of the Scottish people to determine the form of government best suited to their needs. That claim of right was debated on an SNP motion in the last Parliament, which was passed without objection.

It is a long-held principle that sovereignty in Scotland rests with the people of Scotland, not with Westminster. That historic right has its roots in the declaration of

Arbroath and formed the basis of the determination in the case of *MacCormick v. the Crown* by Lord Cooper, when, as Lord President of the Court of Session, he gave his opinion that

“the principle of unlimited sovereignty of Parliament is a distinctively English principle and has no counterpart in Scottish constitutional law”.

The principle of the sovereignty of the people of Scotland is under attack in this Bill.

Sarah Olney (Richmond Park) (LD): Does the right hon. Gentleman agree that there are plenty of reasons to oppose this legislation that do not necessarily involve the case for Scottish independence?

Ian Blackford: The fact is that, as a consequence of the attack on the powers of Scotland's Parliament, people in Scotland are making the determination that they wish our country to become independent as soon as possible.

This Bill undermines the settled will of the people of Scotland, who voted in a referendum on the basis of our Parliament having control over spending in devolved matters. It is that fundamental—it is that serious. This is a defining moment. The UK Government are attempting to block the sovereign right of the Scottish people to decide Scotland's future.

Joanna Cherry: It is great to hear my right hon. Friend remind the House that the principle of the sovereignty of Parliament is a purely English doctrine. Does he agree that, in seeking to interfere with the inherent supervisory jurisdiction of the Court of Session, the Bill also potentially breaches article 19 of the treaty of Union between Scotland and England?

Ian Blackford: That may well be right. My hon. and learned Friend has much experience of these matters. I would simply say that if the House passes this Bill tonight, it really does not seem to care about law and treaties.

Claire Hanna (Belfast South) (SDLP): I feel like a Pez dispenser of clarification on the Good Friday agreement. In discussing sovereignty, does the right hon. Gentleman agree that it is not an ornament on the shelf? The Good Friday agreement, being endorsed by the people of Ireland north and south, is in fact sovereign as regards Northern Ireland. Does he further agree that this Bill not only does not protect the Good Friday agreement but offends each of its strands and its principles of democratic process, respect for differences and the rule of law?

Ian Blackford: Absolutely—I fundamentally agree with the hon. Lady. We all look on with alarm at what could happen if the Good Friday agreement is disrespected. We give every good wish to our friends on the island of Ireland that the peace is maintained, but there is no question that the Government are playing with fire.

Madam Deputy Speaker, time is short so I must now move on. It is pretty ironic that at the very same moment the Tories are robbing the Scottish people of their sovereign rights, those behind this power grab are using the very same arguments on sovereignty to impose their extreme Brexit agenda. In February, the Chancellor

[*Ian Blackford*]

of the Duchy of Lancaster and Minister for the Cabinet Office, the right hon. Member for Surrey Heath (Michael Gove) lectured us:

“the experience of history tells us that the countries with the maximum amount of control over their own destinies are the best equipped to succeed economically and, indeed, to secure a greater degree of equity for all their citizens.”—[*Official Report*, 27 February 2020; Vol. 672, c. 478.]

If the Minister holds that to be true, then it ought to be true for Scotland. Yet, through this very Bill, the UK Government are trying to rob those rights and those powers from Scotland’s democratically elected Parliament. The best that can be said for this UK Government is that they at least wear their hypocrisy on their sleeves. When it comes to sovereignty, I have been looking back at what the Chancellor of the Duchy of Lancaster has said over the years. He said on 14 October 2012, when talking about the EU:

“give us back our sovereignty or we will walk out”.

If he thinks this matter is so crucial, why is he leading his Government to attack the Scottish Parliament? Why is he disregarding our sovereignty in Scotland?

Madam Deputy Speaker, we will push our amendment tonight to defend democracy, to defend Scotland’s interests, to defend against this bare-faced attack on our Parliament’s powers. We know that the vast majority of Scotland’s MPs and the Scottish public will be with us. What of the six Scottish Tories, though? Will they stand up for Scotland? Will they stand up for our Parliament? Tonight is their chance to join with us, to reject this power grab, to reject Westminster’s trampling over the devolution settlement, to respect that the Scottish Parliament should determine spending on devolved matters. A failure to join with us will show that the so-called Scottish Tories have reverted to type and reverted to what they have traditionally been: hostile to devolution.

Let me conclude by putting this in context. Over the past number of years, Scotland’s people have watched on as Westminster ignored their views on Brexit, launched power grab after power grab, and undermined our democratic rights. This legislation is the last straw. It leaves us with only one option and only one choice. A growing and consistent majority of our people have now come to the same conclusion. They know that the only way to defend Scotland’s Parliament and powers is through independence.

Madam Deputy Speaker, the words of Charles Stewart Parnell, who used to sit on these Benches just two rows back, still ring true. Tonight, I direct these words to the Chancellor of the Duchy of Lancaster. I will do this with two lines in Gaelic and then give an English translation:

“Chan eil còir aig duine crìochan a chur air adhartas dùthcha. Chan eil còir aig duine innse do dhùthaich, ‘Gheibh sibh cho fada ri seo agus chan fhaigh na b’fhaide.”

“No man has a right to fix the boundary of the march of a nation; no man has a right to say to his country—thus far shalt thou go and no further.”

8.3 pm

Sir William Cash: The right hon. Member for Ross, Skye and Lochaber (Ian Blackford) who has just spoken said he was going to push his amendment. I think he pushed the patience of this House to breaking point.

In the very few seconds I have left I will simply say, with regard to the speech by the right hon. Member for Doncaster North (Edward Miliband), that he completely failed to answer my question. The Labour party has, in fact, on a number of occasions broken international law. He knows it. He could not answer, and did not attempt to answer, whether he thought the Iraq war was lawful.

The bottom line is that the completely irrelevant questions raised in relation to breaches of international law are completely unfounded. The reality is that this country has on occasion in the past, in its own national interest for the sake of preserving its sovereignty and its economic sovereignty, had to occasionally break international obligations. There is no doubt about that, but equally and by the same token this Bill is about the sovereignty of the United Kingdom and preserving the economic sovereignty of the internal market and doing what it can to preserve the Union in all its character and territoriality. The right hon. Member for Doncaster North shakes his head, but the bottom line is that we have now got this Bill through. It has gone through with 100 votes time and again. That proves the point. This is the endorsement of the referendum. This is the endorsement of the manner in which the British people voted in the general election and that is the truth. We have won, and we will continue to pursue the independence of this country and to maintain its sovereignty.

8.5 pm

Six hours having elapsed since the commencement of proceedings on consideration, the debate was interrupted (Programme Order, this day).

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

The House divided: Ayes 256, Noes 348.

Division No. 117]

[8.5 pm

AYES

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

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

Hussain, Imran
 Jardine, Christine
 Johnson, Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lamy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Linden, David
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacAskill, Kenny
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McKinnell, Catherine
 McLaughlin, Anne
 McMahan, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John
 Norris, Alex
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Osborne, Kate
 Oswald, Kirsten
 Owatemi, Taiwo
 Owen, Sarah
 Peacock, Stephanie
 Pennycook, Matthew

Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Smith, Alyn
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris

Stevens, Jo
 Stone, Jamie
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie
 Webbe, Claudia
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Owen Thompson and
Richard Thomson

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Ahmad Khan, Imran
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Amess, Sir David
 Anderson, Lee
 Anderson, Stuart
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, 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
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Braverman, rh Suella

Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Brokenshire, rh James
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Robert
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Cairns, rh Alun
 Campbell, Mr Gregory
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chope, Sir Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, Mr Simon
 Clarke, Theo
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Clifton-Brown, Sir Geoffrey
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Crabb, rh Stephen
 Crosbie, Virginia

Crouch, Tracey	Harper, rh Mr Mark	Mayhew, Jerome	Scully, Paul
Daly, James	Harris, Rebecca	Maynard, Paul	Seely, Bob
Davies, David T. C.	Harrison, Trudy	McCartney, Jason	Selous, Andrew
Davies, Gareth	Hart, Sally-Ann	McCartney, Karl	Shannon, Jim
Davies, Dr James	Hart, rh Simon	McPartland, Stephen	Sharma, rh Alok
Davies, Mims	Hayes, rh Sir John	McVey, rh Esther	Shelbrooke, rh Alec
Davies, Philip	Heald, rh Sir Oliver	Menzies, Mark	Simmonds, David
Davis, rh Mr David	Heapey, James	Mercer, Johnny	Skidmore, rh Chris
Davison, Dehenna	Heaton-Harris, Chris	Merriman, Huw	Smith, Chloe
Dinenage, Caroline	Henderson, Gordon	Metcalfe, Stephen	Smith, Greg
Dines, Miss Sarah	Henry, Darren	Millar, Robin	Smith, Henry
Djanogly, Mr Jonathan	Higginbotham, Antony	Miller, rh Mrs Maria	Smith, Royston
Docherty, Leo	Hinds, rh Damian	Milling, rh Amanda	Solloway, Amanda
Donaldson, rh Sir Jeffrey M.	Hoare, Simon	Mills, Nigel	Spencer, Dr Ben
Donelan, Michelle	Holden, Mr Richard	Mitchell, rh Mr Andrew	Spencer, rh Mark
Dorries, Ms Nadine	Hollinrake, Kevin	Mohindra, Mr Gagan	Stafford, Alexander
Double, Steve	Hollobone, Mr Philip	Moore, Damien	Stephenson, Andrew
Dowden, rh Oliver	Holloway, Adam	Moore, Robbie	Stevenson, Jane
Doyle-Price, Jackie	Holmes, Paul	Mordaunt, rh Penny	Stewart, Bob
Drax, Richard	Howell, John	Morris, Anne Marie	Stewart, Iain
Drummond, Mrs Flick	Howell, Paul	Morris, David	Streeter, Sir Gary
Duddridge, James	Huddleston, Nigel	Morris, James	Stride, rh Mel
Duguid, David	Hudson, Dr Neil	Morrissey, Joy	Stuart, Graham
Duncan Smith, rh Sir Iain	Hughes, Eddie	Morton, Wendy	Sturdy, Julian
Dunne, rh Philip	Hunt, Jane	Mullan, Dr Kieran	Sunak, rh Rishi
Eastwood, Mark	Hunt, rh Jeremy	Mumby-Croft, Holly	Sunderland, James
Edwards, Ruth	Hunt, Tom	Mundell, rh David	Swayne, rh Sir Desmond
Ellis, rh Michael	Jack, rh Mr Alister	Murray, Mrs Sheryll	Syms, Sir Robert
Ellwood, rh Mr Tobias	Javid, rh Sajid	Neill, Sir Robert	Thomas, Derek
Elphicke, Mrs Natalie	Jayawardena, Mr Ranil	Nici, Lia	Timpson, Edward
Eustice, rh George	Jenkin, Sir Bernard	Nokes, rh Caroline	Tolhurst, Kelly
Evans, Dr Luke	Jenkinson, Mark	Norman, rh Jesse	Tomlinson, Justin
Evennett, rh Sir David	Jenkyns, Andrea	O'Brien, Neil	Tracey, Craig
Everitt, Ben	Johnson, rh Boris	Offord, Dr Matthew	Travelyan, rh Anne-Marie
Fabricant, Michael	Johnson, Dr Caroline	Opperman, Guy	Trott, Laura
Farris, Laura	Johnson, Gareth	Paisley, Iain	Truss, rh Elizabeth
Fell, Simon	Johnston, David	Parish, Neil	Tugendhat, Tom
Fletcher, Katherine	Jones, Andrew	Patel, rh Priti	Vara, Mr Shailesh
Fletcher, Mark	Jones, rh Mr David	Paterson, rh Mr Owen	Vickers, Martin
Fletcher, Nick	Jones, Fay	Pawsey, Mark	Vickers, Matt
Ford, Vicky	Jones, Mr Marcus	Penning, rh Sir Mike	Villiers, rh Theresa
Foster, Kevin	Jupp, Simon	Penrose, John	Wakeford, Christian
Francois, rh Mr Mark	Kawczynski, Daniel	Percy, Andrew	Walker, Mr Robin
Frazer, Lucy	Kearns, Alicia	Philp, Chris	Wallace, rh Mr Ben
Freeman, George	Keegan, Gillian	Pincher, rh Christopher	Wallis, Dr Jamie
Freer, Mike	Knight, rh Sir Greg	Poulter, Dr Dan	Warburton, David
Fuller, Richard	Knight, Julian	Prentis, Victoria	Warman, Matt
Fysh, Mr Marcus	Kruger, Danny	Pritchard, Mark	Watling, Giles
Garnier, Mark	Kwarteng, rh Kwasi	Pursglove, Tom	Webb, Suzanne
Ghani, Ms Nusrat	Lamont, John	Quin, Jeremy	Whately, Helen
Gibb, rh Nick	Largan, Robert	Quince, Will	Wheeler, Mrs Heather
Gibson, Peter	Latham, Mrs Pauline	Randall, Tom	Whittaker, Craig
Gideon, Jo	Leadsom, rh Andrea	Redwood, rh John	Whittingdale, rh Mr John
Gillan, rh Dame Cheryl	Leigh, rh Sir Edward	Rees-Mogg, rh Mr Jacob	Wiggin, Bill
Girvan, Paul	Levy, Iain	Richards, Nicola	Wild, James
Glen, John	Lewer, Andrew	Richardson, Angela	Williams, Craig
Goodwill, rh Mr Robert	Liddell-Grainger, Mr Ian	Roberts, Rob	Williamson, rh Gavin
Gove, rh Michael	Lockhart, Carla	Robertson, Mr Laurence	Wilson, rh Sammy
Graham, Richard	Loder, Chris	Robinson, Gavin	Wood, Mike
Grant, Mrs Helen	Logan, Mark	Robinson, Mary	Wragg, Mr William
Gray, James	Longhi, Marco	Rosindell, Andrew	Young, Jacob
Grayling, rh Chris	Lopez, Julia	Ross, Douglas	Zahawi, Nadhim
Green, Chris	Lopresti, Jack	Rowley, Lee	
Green, rh Damian	Lord, Mr Jonathan	Rutley, David	Tellers for the Noes:
Griffith, Andrew	Mackinlay, Craig	Sambrook, Gary	Michael Tomlinson and
Griffiths, Kate	Mackrory, Cherylyn	Saxby, Selaine	Maggie Throup
Grundy, James	Maclean, Rachel		
Gullis, Jonathan	Mak, Alan		
Halfon, rh Robert	Malthouse, Kit		
Hall, Luke	Mangnall, Anthony		
Hammond, Stephen	Mann, Scott		
Hands, rh Greg	Marson, Julie		

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.

Question put. That the Bill be now read the Third time.

The House divided: Ayes 340, Noes 256.

Division No. 118]

[8.21 pm

AYES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Ahmad Khan, Imran
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Amess, Sir David
Anderson, Lee
Anderson, Stuart
Andrew, Stuart
Ansell, Caroline
Argar, Edward
Atherton, Sarah
Atkins, Victoria
Bacon, 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
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Brokenshire, rh James
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Buckland, rh Robert
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Carter, Andy
Cartledge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, Mr Simon
Clarke, Theo
Clarke-Smith, Brendan
Clarkson, Chris

Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Crabb, rh Stephen
Crosbie, Virginia
Crouch, Tracey
Daly, James
Davies, David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davis, rh Mr David
Davison, Dehenna
Dinenage, Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, rh Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Ellwood, rh Mr Tobias
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Fletcher, Katherine
Fletcher, Mark
Fletcher, Nick
Ford, Vicky
Foster, Kevin
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fuller, Richard
Fysh, Mr Marcus
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Gillan, rh Dame Cheryl
Glen, John
Goodwill, rh Mr Robert

Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffith, Andrew
Griffiths, Kate
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heapey, James
Heaton-Harris, Chris
Henderson, Gordon
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenkyns, Andrea
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Kearns, Alicia
Keegan, Gillian
Knight, rh Sir Greg
Knight, Julian
Kruger, Danny
Kwarteng, rh Kwasi
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Leadsom, rh Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark
Longhi, Marco
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, Kit
Mangnall, Anthony
Mann, Scott
Marson, Julie
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McCartney, Karl
McPartland, Stephen
McVey, rh Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Mrs Maria
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrissey, Joy
Morton, Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Neill, Sir Robert
Nici, Lia
Norman, rh Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Parish, Neil
Patel, rh Priti
Pateron, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Mr Jacob
Richards, Nicola
Richardson, Angela
Roberts, Rob
Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew

Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Sharma, rh Alok
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stewart, Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, rh Rishi
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Timpson, Edward

Tolhurst, Kelly
 Tomlinson, Justin
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Wakeford, Christian
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Wild, James
 Williams, Craig
 Williamson, rh Gavin
 Wood, Mike
 Wragg, Mr William
 Young, Jacob
 Zahawi, Nadhim

Tellers for the Ayes:

**Maggie Throup and
 Michael Tomlinson**

NOES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Ali, Rushanara
 Ali, Tahir
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Anderson, Fleur
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Bardell, Hannah
 Barker, Paula
 Beckett, rh Margaret
 Begum, Apsana
 Benn, rh Hilary
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blake, Olivia
 Blomfield, Paul
 Bonnar, Steven
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Ms Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burgon, Richard
 Butler, Dawn
 Byrne, Ian
 Byrne, rh Liam

Cadbury, Ruth
 Callaghan, Amy
 Cameron, Dr Lisa
 Campbell, rh Sir Alan
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Cherry, Joanna
 Clark, Feryal
 Cooper, Daisy
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Davey, rh Ed
 David, Wayne
 Davies, Geraint
 Davies-Jones, Alex
 Day, Martyn
 De Cordova, Marsha
 Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese

Doogan, Dave
 Dorans, Allan
 Doughty, Stephen
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Eastwood, Colum
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Eshalomi, Florence
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Fellows, Marion
 Ferrier, Margaret
 Fletcher, Colleen
 Flynn, Stephen
 Foxcroft, Vicky
 Foy, Mary Kelly
 Furniss, Gill
 Gardiner, Barry
 Gibson, Patricia
 Gill, Preet Kaur
 Glindon, Mary
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanna, Claire
 Hanvey, Neale
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Howarth, rh Sir George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Johnson, Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter

Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lewis-Buck, Mrs Emma
 Lewis, Clive
 Linden, David
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacAskill, Kenny
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McKinnell, Catherine
 McLaughlin, Anne
 McMahan, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John
 Norris, Alex
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Opong-Asare, Abena
 Osamor, Kate
 Osborne, Kate
 Oswald, Kirsten
 Owatemi, Taiwo
 Owen, Sarah
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt

Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Smith, Alyn
 Smith, Cat
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thompson, Owen

Thomson, Richard
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie
 Webbe, Claudia
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Noes:
Bambos Charalambous and
Jeff Smith

Question accordingly agreed to.

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.

Kate Green (Stretford and Urmston) (Lab): On a point of order, Madam Deputy Speaker. All Members must be as accurate as possible when they speak in the House, and none more so than Cabinet Ministers. Today, in response to my questions following his statement, the Education Secretary twice made statements that were incorrect. First, he said that

“we have made £100 million available for universities...to ensure that youngsters have digital access”.

That was not accurate. The £100 million funding is for devices for schools and some further education providers, not for universities. The Secretary of State was wrong in what he said. He also said that individual students could seek additional maintenance support from the Student Loans Company, and as far as I can tell that is not right either.

When I asked the Secretary of State about digital access this afternoon, he said that he was sorry I had missed the announcement. Well, I am sorry that he is

apparently wrong about the detail of his portfolio. Have you had any indication, Madam Deputy Speaker, that he will return to the House to correct the record on these matters?

Madam Deputy Speaker (Dame Eleanor Laing): I appreciate the point that the hon. Lady is making, but it is not a point of order for the Chair; it is rather a continuation of the debate that took place this afternoon. But she has taken the opportunity to make the point that she wishes to draw to the attention of the House, and no doubt to Ministers, and she has succeeded in so doing.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (INTERNATIONAL TRADE)

That the draft Prevention of Trade Diversion (Key Medicines) (EU Exit) Regulations 2020, which were laid before this House on 2 September, be approved.—(*Michael Tomlinson.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

COMPENSATION

That the draft Surrender of Offensive Weapons (Compensation) Regulations 2020, which were laid before this House on 9 June, be approved.—(*Michael Tomlinson.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EMPLOYMENT

That the draft Restriction of Public Sector Exit Payments Regulations 2020, which were laid before this House on 21 July, be approved.

The Deputy Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until tomorrow (Standing Order No. 41A).

Flexible Rail Ticketing

Motion made, and Question proposed, That this House do now adjourn.—(Michael Tomlinson.)

8.39 pm

Greg Clark (Tunbridge Wells) (Con): The covid pandemic, unknown to the world nine months ago, has required businesses, people and the Government to make huge and rapid changes to the way we live our lives with a speed that was unthinkable before coronavirus struck. Nightingale hospitals were constructed within days and quickly made capable of accommodating hundreds of ventilated patients. Supermarkets doubled their capacity for online deliveries.

The Government introduced the coronavirus job retention scheme and, within days, were paying the wages of 4 million employees. Advice was given that those who could should work from home, which gave rise to an instant leap in the take-up of video conferencing through services such as Zoom, and introduced millions of people to the previously unexperienced sensation of being exhausted by staring at a screen all day.

For all the tragedies and privations of the last few months, it has been a time of agility and innovation in the way that we do things. Yet through this period of the most tumultuous change that any of us has experienced during our lifetimes, one thing that has proved impervious to alteration—a monument to inflexibility—is the railway season ticket.

If my constituents in Tunbridge Wells, High Brooms and Paddock Wood take a Southeastern train to work in London, they face the same bill of fare that they have had since the 1950s. They have to buy either a seven-day-a-week season ticket from Southeastern or daily tickets at the highest fare for the journey, with no discount for frequent and regular travellers.

Jim Shannon (Strangford) (DUP): I thank the right hon. Gentleman for bringing forward the debate. I bring to his attention something that has been coming to me. For many students, especially in my constituency and his constituency, but in other constituencies as well, the commute to university is essential. If they are put in lockdown, they lose weeks on their railcard. As airlines have been flexible, so must rail and other transport providers be.

Greg Clark: The hon. Gentleman makes a good point that it is not only workers who commute. Many students commute into the capital and, indeed, other cities around the country—and, I dare say, in Northern Ireland—so I am grateful for his point.

To turn to the economics of the situation, a standard class season ticket from Tunbridge Wells costs £4,928 a year, which is a large amount of money. The price of a daily standard peak return ticket is £39.90. That means that someone travelling three days a week to London for 47 weeks of the year must pay £5,626. In other words, it costs over £700 more to travel three days a week than five or even seven days a week. It is a ludicrous anachronism and an outrageous injustice that we have the same fare structure for workers in 2020 as we did in 1950.

There are many reasons why that is no longer tolerable. First, even before covid, the pattern of working life had changed since the 1950s. Many people work fewer than five days a week from a workplace in a city centre.

Either they work part time or they do not need to travel every day. How can our railways not have noticed a change that has been happening for decades?

Secondly, people who work part time usually earn less money than people who work full time. To penalise the poorest workers is a regressive policy that adds to poverty and is a barrier to work.

Thirdly, more women than men work, or wish to work, part time. The standard fare policy means that it costs them more to do so. As pay is still not equal, a further obstacle to accessing good jobs and careers is thrown up in front of women by a fare system that can make it too costly to take up opportunities. The same is true, but worse, for disabled people and people as they get older.

Fourthly, the fare structure flies in the face of the advice that the Government are currently giving to curb the spread of covid, which says, “Work from home if you can”. For many people, that means going into the office less, perhaps for important meetings or to train newer and younger colleagues, and working from home more. That pattern is not supported if it is cheaper to travel five days a week than three days.

Fifthly, the fare system hampers our recovery from the economic consequences of covid. Our businesses and their staff need to be flexible and adaptive. Instead, working patterns will be formed not by what is ideal for the business and the worker, but to conform to an antiquated fare system.

Jo Gideon (Stoke-on-Trent Central) (Con): Does my right hon. Friend agree that rail operators must act responsibly during the pandemic to ensure that passengers do not have to choose between a journey on an overcrowded train and paying the top rates for anytime travel tickets? On the west coast line, for example, travel between London and Stoke-on-Trent rises from £53 to £129 after 3 pm, and only returns to £53 at 7 pm, when the trains are packed. Surely a temporary suspension of peak fares while the country is in a national health emergency is the right thing to do to protect rail travellers.

Greg Clark: I agree with my hon. Friend that this is a time in which we must display the same flexibility, innovation and responsiveness that we have—and have had to—in so many other areas of life, and that we should not be bound by the structures that we inherited.

It is time now to make this change. It does not have to be this way. If we can bring in a job retention scheme within days of the need being identified, if we can invent a scheme in July to help thousands of restaurants attract back millions of customers in August, and if businesses can switch to conducting meetings online virtually overnight, surely we are more than capable of introducing without further procrastination a train ticket to meet the needs of part-time and flexible workers. There is no shortage of models available: a ticket that allows any three days in seven, for example; a ticket that permits travel only 12 days in a month; or, at the most basic, a carnet system that gives a discount on the purchase of multiple peak-time tickets to be used within a limited period.

At the end of July, my hon. Friend the Member for Chatham and Aylesford (Tracey Crouch) wrote, along with all Kent MPs, to the managing director of Southeastern, Mr Statham. He replied that Southeastern

has submitted proposals for flexible ticketing to the Department for Transport and is waiting for the Department's authorisation under the emergency measures agreement. I say to the Minister: please act now. As the Transport Secretary said last week, we are in a different era. The Government are—which is to say, we are—paying for the railway. With these covid-changed circumstances, very few people are going to be paying for an annual seven-day-a-week ticket at any time soon. That money is simply not coming in.

Rosie Duffield (Canterbury) (Lab): For years I have been hearing from constituents who are desperate for part-time season tickets. The right hon. Gentleman is making some brilliant points on this issue. I have been speaking to my hon. Friend the Member for Slough (Mr Dhesi)—our shadow Rail Minister—and he is in agreement with me. With the job market about to be reeling for years in a post-covid environment, does the right hon. Gentleman agree that the Government must do everything and anything they can, such as allowing part-time season tickets, or at least thinking about doing so, to allow businesses to create new jobs and accommodate flexible, part-time working?

Greg Clark: As I have said, this problem has persisted for too long and we need to catch up with the 21st century, but now is a particular moment to make that reform, so that people can go back to work according to the needs of their employer while also respecting the advice to stay and work at home where possible.

In contrast to a full season ticket for five or seven days a week, a flexible commuting ticket is likely to be bought by commuters here and now, and could actually increase revenue to the railway and the taxpayer while fighting covid by supporting people not going into the office every day. It would also provide a long-overdue journey of the railway fare system to a rendezvous with working life in the 21st century.

I suspect that the Minister, whose talents I admire, will be briefed to buy time and say that these things must be examined in greater detail, but my admiration of him extends to the knowledge that he has embraced his portfolio with enthusiasm and ambition. He does not need to be a captive of the standard advice on this subject that has been given out for years; he can make a difference during the next few weeks ahead. He will go down in railway history as one of the reformers if he is the Minister who brings railway ticketing into modern times—and I urge him to do it.

8.49 pm

The Minister of State, Department for Transport (Chris Heaton-Harris): My right hon. Friend the Member for Tunbridge Wells (Greg Clark) is very kind but compliments sometimes, as I think a Canadian said, doth butter no parsnips.

I shall do my best to explain the Government's position on this, but I first congratulate him on securing this debate on the plans for future flexible season tickets and rail ticketing, and I thank the hon. Members for Strangford (Jim Shannon) and for Canterbury (Rosie Duffield) and my hon. Friend the Member for Stoke-on-Trent Central (Jo Gideon), who have made contributions this evening.

Transport affects most, if not all, of the people in the Chamber today, and it is an area that the Government are committed to improving. Members present are all

well aware that improving our rail network is at the heart of the Government's plans to build back better and to boost Britain's economy coming out of the pandemic. The Government are investing record levels in rail funding to deliver the biggest rail modernisation programme for over a century. In fact, we are spending £48 billion—a statistic I repeat ad nauseam to everybody I meet—between 2019 and 2024 to improve rail services for passengers and freight customers, while maintaining current high levels of safety and reliability.

My right hon. Friend the Member for Tunbridge Wells will also know that in the Prime Minister's address of 22 September, he emphasised the importance of taking steps to stop the spread of the coronavirus. The Government encourage those who can work from home to do so, and we continue to advise passengers to consider active travel alternatives such as walking and cycling.

To ensure the safety of those who need to use public transport, we have issued comprehensive guidance on the steps that operators should take to access and address the risks of coronavirus in the transport sector across England. The rail industry has implemented measures to give passengers confidence in travelling by rail, from enhanced cleaning to redesigned station flows that facilitate social distancing wherever possible; and from the provision of additional staff and the installation of face covering vending machines at key stations to volunteers welcoming people to stations to remind them to wear their face coverings.

The Government also announced on 21 September that we have extended support to keep trains running through the pandemic and ended rail franchising. Emergency recovery measures agreements—or ERMAs, as they are more commonly known—place operators on far more demanding management agreements, with tougher performance targets and lower fees than the previous emergency measures agreements. Those fees are a maximum of 1.5% of the cost base of the franchise before the pandemic began. To help comply with current and changing public health guidance, we have also asked operators to run an almost full capacity service to ensure that there is space to help passengers travel safely, and socially distanced where possible, to continue to combat the threat of covid-19.

Looking forward to the post-covid recovery, we need to build a rail network that is fit for the future. To deliver this, we are placing some focus on punctuality and performance, investing massively in infrastructure to level up the country, and indeed considering how we can provide simpler, more flexible ticketing to deliver a better deal for passengers and one that works in the new environment that they will be travelling in.

Southeastern continues to deliver for passengers, recording 93.2% in the latest public performance measure of punctuality, with 83% of journeys rated as satisfactory or good in the national rail passenger survey in spring this year. It also offers a range of products that passengers can choose to buy to suit their own requirements. As my right hon. Friend said, Southeastern has a Key smartcard, which allows tickets to be downloaded from home through an app, but it does not offer, at this point, a flexible season ticket.

For the commuter, season tickets are still a great way to save on travel and they are available on the smartcard, as I said. It is worth someone buying a season ticket if they make the same journey three times a week or more. Early bird discounted season tickets are also available

[Chris Heaton-Harris]

for early morning commuters travelling into London from some areas in Kent, providing even greater value for money.

My right hon. Friend will know that flexible season ticketing has long been an ambition of this Government. Progress has been made, with many train operators around the country having launched flexible products that can provide passengers who work or commute part time with a better deal, which is obviously important to this Government. The operators c2c, Chiltern Railways, East Midlands Railway, Gatwick Express, Greater Anglia, Northern, South Western Railway, Govia Thameslink Railway and West Midlands Railway are all offering some form of flexible season ticket or carnet on at least some of their services. However, as my right hon. Friend knows, flexible season tickets are not yet available across all train services, and the level of discount and terms and conditions of these tickets can vary between operators. I appreciate that the lack of availability of flexible season tickets might be frustrating for some passengers.

The pandemic has, of course, led to a lot fewer rail journeys being made. The Office for National Statistics reported that 32% of Great Britain's working population are working at home for at least some of the time. The Government recognise, as everyone does, that the pandemic is likely to cause a fundamental change in commuting patterns in the future, and that is likely to have long-term effects on commuter behaviour.

Greg Clark: My hon. Friend read out a tantalising list of rail operators offering some form of flexible ticketing to commuters, but as he said, that is not available to Southeastern customers. Can he explain why?

Chris Heaton-Harris: I will happily explain why in a moment.

Fares and ticketing need to evolve to meet the needs of modern-day passengers, to support those people who want to work from home more often in the future and to provide a flexible and affordable ticket to allow commuters and others the freedom to travel into work when it suits them to discuss ideas in the office, grab a coffee with colleagues or socialise in our towns and cities.

To deliver that, we have been working proactively with the rail industry, including train operators and the Rail Delivery Group, to try to ensure better value and convenience for part-time and flexible commuters. In June, we sought proposals from the train operating companies, such as the one outlined by my right hon. Friend, and those were received by the Department over the summer. My officials are in the process of carefully considering the proposals, ensuring that they will offer value for money, give passengers what they want, be deliverable and work for the future. We will continue to consider these proposals, balancing better deals for passengers with the cost to taxpayers.

We obviously have to get the approval of Her Majesty's Treasury for such a scheme. As a former Treasury Minister, my right hon. Friend will understand that the taxpayer is spending a tremendous sum of money on maintaining a rail service that is clean, reliable, resilient and allows people to travel, where possible, in a socially distanced manner. As Government guidance changes to reflect the situation we find ourselves in, the rail industry also has to change its plans.

Andrew Jones (Harrogate and Knaresborough) (Con): My hon. Friend makes a valuable point. Once a Treasury Minister, always a Treasury Minister, and the bill for the industry and for all the support being provided will have to be met. He gave a list—described by my right hon. Friend the Member for Tunbridge Wells as “tantalising”—of rail franchises operating a flexible system. The Harrogate line operates such a system through a carnet, where passengers can buy 10 tickets and pay for nine. The pattern of commuting will be fundamentally different after we recover from the coronavirus, so in planning for the long term, will this be built into franchises or whatever model we see when we return to a more normal mode of operation?

Chris Heaton-Harris: As a former rail Minister, my hon. Friend knows the lovely conversations that are had between Departments about these sorts of things. We are keen to introduce flexible ticketing throughout the system where possible, but it is quite difficult to judge what would be the right product to tempt commuters back to our railways before we know how we will extract ourselves from a second peak of the pandemic.

We know that there is much interest among passengers in these products, including from the representations that Members have made directly to the Department, but we need to look in detail at important and complex issues such as pricing, impacts on revenue and whether these proposals are properly future-proofed before launching them. We cannot say at this stage what the longer-term impact of the covid-19 pandemic will be on commuter behaviours, and we need to ensure that any steps we take now can flex and adapt to changing circumstances.

Of course, these are unusual and unprecedented circumstances and timing is extremely important. As I have said, we are currently advising office workers who can work effectively from home to do so. However, we also need to ensure that our rail network is ready to adapt and able to provide good value and convenient options for those now wishing to travel, and especially for those who wish to come back to our network in the future when they can, to help support the recovery of our town and city economies. We also know that there are still many people, such as our key workers, who rely on the trains to get to their place of work right now. That is why our immediate focus is ensuring that we keep the railway available and safe for those who require it, within the covid measures that I set out earlier.

We are talking to Southeastern in many ways, and I completely understand, as I am sure my right hon. Friend the Member for Tunbridge Wells does, how important the railway is for so many people in his constituency. He has highlighted the need for more flexible rail ticketing to cater to changed commuting patterns, and I reassure him and the House that we are actively working with the rail industry to develop proposals to meet that need and ensure that the railway is fit for the future. We want to ensure that we enable operators to offer the right range of tickets to improve the lives of commuters around the country, including those in my right hon. Friend's constituency, and I hope that I will be able to come to the House at some point in the near future to update it on our progress.

Question put and agreed to.

9.2 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	Alex Davies-Jones (Pontypridd)	Chris Elmore
Debbie Abrahams (Oldham East and Saddleworth)	Chris Elmore	David Davis (Haltemprice and Howden)	Stuart Andrew
Tahir Ali (Birmingham, Hall Green)	Chris Elmore	Martyn Day (Linlithgow and East Falkirk)	Patrick Grady
Dr Rosena Allin-Khan (Tooting)	Chris Elmore	Marsha De Cordova (Battersea)	Rachel Hopkins
Tonia Antoniazzi (Gower)	Chris Elmore	Martin Docherty-Hughes (West Dunbartonshire)	Patrick Grady
Mr Richard Bacon (South Norfolk)	Stuart Andrew	Nadine Dorries (Mid Bedfordshire)	Stuart Andrew
Siobhan Baillie (Stroud)	Stuart Andrew	Steve Double (St Austell and Newquay)	Stuart Andrew
Hannah Bardell (Livingston)	Patrick Grady	Jack Dromey (Birmingham, Erdington)	Chris Elmore
Mr John Baron (Basildon and Billericay)	Stuart Andrew	Philip Dunne (Ludlow)	Jeremy Hunt
Margaret Beckett (Derby South)	Chris Elmore	Mrs Natalie Elphicke (Dover)	Maria Caulfield
Scott Benton (Blackpool South)	Stuart Andrew	Florence Eshalomi (Vauxhall)	Chris Elmore
Sir Paul Beresford (Mole Valley)	Stuart Andrew	Dr Luke Evans (Bosworth)	Stuart Andrew
Jake Berry (Rossendale and Darwen)	Stuart Andrew	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
Olivia Blake (Sheffield, Hallam)	Chris Elmore	Margaret Ferrier (Rutherglen and Hamilton West)	Patrick Grady
Mr Peter Bone (Wellingborough)	Stuart Andrew	Colleen Fletcher (South Ribble)	Chris Elmore
Steven Bonnar (Coatbridge, Chryston and Bellshill)	Patrick Grady	Stephen Flynn (Aberdeen South)	Patrick Grady
Andrew Bridgen (North West Leicestershire)	Stuart Andrew	Vicky Foxcroft (Lewisham, Deptford)	Chris Elmore
Deidre Brock (Edinburgh North and Leith)	Patrick Grady	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	Marcus Fysh (Yeovil)	Stuart Andrew
Conor Burns (Bournemouth West)	Stuart Andrew	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
Andy Carter (Warrington South)	Katherine Fletcher	Mrs Helen Grant (Maidstone and The Weald)	Stuart Andrew
Sarah Champion (Rotherham)	Chris Elmore	Peter Grant (Glenrothes)	Patrick Grady
Douglas Chapman (Dunfermline and West Fife)	Patrick Grady	Neil Gray (Airdrie and Shotts)	Patrick Grady
Feryal Clark (Enfield North)	Chris Elmore	Margaret Greenwood (Wirral West)	Chris Elmore
Damian Collins (Folkestone and Hythe)	Stuart Andrew	Nia Griffith (Llanelli)	Chris Elmore
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	Neale Hanvey (Kirkcaldy and Cowdenbeath)	Patrick Grady
Stella Creasy (Walthamstow)	Chris Elmore	Emma Hardy (Kingston upon Hull West and Hessle)	Chris Elmore
Tracey Crouch (Chatham and Aylesford)	Caroline Nokes	Ms Harriet Harman (Camberwell and Peckham)	Chris Elmore
Judith Cummins (Bradford South)	Chris Elmore	Sir Oliver Heald (North East Hertfordshire)	Stuart Andrew
Janet Daby (Lewisham East)	Chris Elmore	Sir Mark Hendrick (Preston)	Chris Elmore
Geraint Davies (Swansea West)	Chris Evans	Simon Hoare (North Dorset)	Fay Jones

Member eligible for proxy vote	Nominated proxy
Dame Margaret Hodge (Barking)	Chris Elmore
Mrs Sharon Hodgson (Washington and Sunderland West)	Chris Elmore
Adam Holloway (Gravesham)	Maria Caulfield
Paul Holmes (Eastleigh)	Stuart Andrew
Sir George Howarth (Knowsley)	Chris Elmore
Dr Neil Hudson (Penrith and The Border)	Stuart Andrew
Imran Hussain (Bradford East)	Mohammad Yasin
Ranil Jayawardena (North East Hampshire)	Stuart Andrew
Dame Diana Johnson (Kingston upon Hull North)	Chris Elmore
Marcus Jones (Nuneaton)	Stuart Andrew
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
Clive Lewis (Norwich South)	Lloyd Russell-Moyle
Mr Ian Liddell-Grainger (Bridgwater and West Somerset)	Stuart Andrew
Tony Lloyd (Rochdale)	Chris Elmore
Mr Jonathan Lord (Woking)	Stuart Andrew
Kenny MacAskill (East Lothian)	Patrick Grady
Angus Brendan MacNeil (Na h-Eileanan an Iar)	Patrick Grady
Karl McCartney (Lincoln)	Stuart Andrew
Andy McDonald (Middlesbrough)	Chris Elmore
Stewart Malcolm McDonald (Glasgow South)	Patrick Grady
Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East)	Patrick Grady
John McDonnell (Hayes and Harlington)	Zarah Sultana
Anne McLaughlin (Glasgow North East)	Patrick Grady
Rachel Maclean (Redditch)	Stuart Andrew
Anna McMorrin (Cardiff North)	Chris Elmore
John Mc Nally (Falkirk)	Patrick Grady
Khalid Mahmood (Birmingham, Perry Barr)	Chris Elmore
Shabana Mahmood (Birmingham, Ladywood)	Chris Elmore
Ian Mearns (Gateshead)	Chris Elmore
Mark Menzies (Fylde)	Stuart Andrew

Member eligible for proxy vote	Nominated proxy
Johnny Mercer (Plymouth, Moor View)	Stuart Andrew
Carol Monaghan (Glasgow North West)	Patrick Grady
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
Gavin Newlands (Paisley and Renfrewshire North)	Patrick Grady
John Nicolson (Ochil and South Perthshire)	Patrick Grady
Dr Matthew Offord (Hendon)	Rebecca Harris
Brendan O'Hara (Argyll and Bute)	Patrick Grady
Guy Opperman (Hexham)	Stuart Andrew
Kate Osamor (Edmonton)	Nadia Whittome
Mr Owen Paterson (North Shropshire)	Stuart Andrew
Sir Mike Penning (Hemel Hempstead)	Stuart Andrew
Toby Perkins	Chris Elmore
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
Alec Shelbrooke (Elmet and Rothwell)	Stuart Andrew
Tulip Siddiq (Hampstead and Kilburn)	Chris Elmore
Henry Smith (Crawley)	Stuart Andrew
Alyn Smith (Stirling)	Patrick Grady
Sir Gary Streeter (South West Devon)	Stuart Andrew
Mel Stride (Central Devon)	Stuart Andrew
Jon Trickett (Hemsworth)	Ian Byrne
Karl Turner (Kingston upon Hull East)	Chris Elmore
Dr Jamie Wallis (Bridgend)	Stuart Andrew
Claudia Webbe (Leicester East)	Bell Ribeiro-Addy
Dr Philippa Whitford (Central Ayrshire)	Patrick Grady
Hywel Williams (Arfon)	Liz Saville Roberts

Written Statements

Tuesday 29 September 2020

CABINET OFFICE

Withdrawal Agreement Joint Committee Meeting

The Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office (Michael Gove): The withdrawal agreement Joint Committee met on 28 September 2020 in Brussels, with delegations attending in person and by video conference.

The meeting was co-chaired by the Chancellor of the Duchy of Lancaster and the vice-president of the European Commission, Maroš Šefčovič. The meeting was also attended by representatives of the Northern Ireland Executive and EU member states.

The Committee undertook a stocktake of Specialised Committee activity since the second meeting in June and was updated on implementation of the withdrawal agreement more generally, including the Northern Ireland protocol.

The UK reiterated the importance of commitment by both sides to upholding obligations under the withdrawal agreement and protecting the Belfast (Good Friday) agreement in all respects.

The UK underlined the need for timely and proper implementation of citizens' rights commitments by the EU and member states. The UK reiterated its commitment to supporting EU citizens in the UK and UK nationals in the EU.

The UK reiterated that the measures set out in the United Kingdom Internal Market Bill are designed to create a "safety net" to ensure the communities of Northern Ireland are protected. The UK was clear that those measures would not be withdrawn.

The UK affirmed its commitment to ongoing constructive engagement with the EU through further Joint Committee meetings and making progress on all issues.

[HCWS476]

HOME DEPARTMENT

Online Right to Rent Checks

The Parliamentary Under-Secretary of State for the Home Department (Chris Philp): The Right to Rent Scheme was launched to ensure only those lawfully in the country can access the private rental sector, and to tackle unscrupulous landlords who exploit vulnerable migrants, sometimes in very poor conditions. Right to rent checks are straightforward and apply equally to everyone seeking accommodation in the private rental sector, including British citizens. In April, the Court of Appeal ruling confirmed the Right to Rent Scheme to be lawful. Following this judgment, we committed to

work with landlords and letting agents to make it easier for lawful residents to demonstrate their right to rent, and to strengthen the support we provide to landlords when complying with the requirements of the Right to Rent Scheme.

As my right hon. Friend the Home Secretary (Priti Patel) said in this House, we have accepted the important findings in the Windrush Lessons Learned Review, including those in relation to the compliant environment. Urgent and extensive work is taking place across the Home Office, including a full evaluation of the Right to Rent Scheme. In parallel, we are working on improvements to the scheme.

In November, the Home Office will be launching a new online right to rent checking service. This service builds on the successful introduction of the online checking services, for employers conducting right to work checks, holders of a biometric residence permit and those granted status under the EU settlement scheme.

We have worked closely with landlords and letting agents in designing the service, but we need to change right to rent legislation to enable them to rely on the new online service to discharge their legal responsibilities under the scheme.

Today, I have laid before Parliament the Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) (Amendment) Order 2020.

Landlords will be able to undertake a right to rent check in real time for non-EEA citizens with a valid biometric resident permit or card, or an EEA citizen with status granted under the EU settlement scheme. In addition, the order makes sure that landlords will be able to undertake online checks on those whose leave will be granted under the new points-based system.

The online service makes it simpler for landlords to carry out the checks and protects them. It allows checks to be carried out by video call, and landlords will not need to see documents as the right to rent information is provided in real time directly from Home Office systems.

The service works on the basis of the individual first viewing their own Home Office profile. They may then share this information with a landlord if they wish, by providing the landlord with a "share code", which can be used to access the prospective tenant's record. This authorisation represents an important safeguard and means landlords will only be able to view an individual's right to rent information, and no other unrelated personal information.

Landlords will be able to undertake either the online check or the existing document-based check; online checks will, therefore, be a voluntary option while migrants and landlords develop familiarity with the new service and take-up becomes more widespread. EEA citizens will continue to be able to demonstrate their entitlement to rent to landlords by showing a valid passport or national ID card until 30 June 2021.

The Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) (Amendment) Order 2020 also makes a number of other important changes to improve the operation of the scheme for landlords and tenants and to simplify the presentation of the list of prescribed documents.

It amends the document list for non-visa national visitors from Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA who enter the UK using an ePassport gate.

The order enables new documents issued to third-country-national family members granted status under the EU settlement scheme to be accepted by landlords and letting agents as evidence of a right to rent.

It also amends the list of documents that are deemed acceptable under the existing manual “right to rent” check to include a short UK birth and adoption certificate as well as the long versions of these documents, making it easier for British citizens who do not hold a passport to demonstrate their right to rent.

Finally, the order amends and updates the existing statutory code of practice to reflect these important changes which will improve the operation of the Right to Rent Scheme. A draft of the revised code of practice has also been laid before Parliament.

[HCWS475]

TRANSPORT

International Maritime Instruments: Ambulatory Reference Amendments

The Parliamentary Under-Secretary of State for Transport (Robert Courts): I am making this statement to fulfil obligations relating to the implementation of amendments to internationally agreed merchant shipping requirements into UK domestic law. These requirements will be implemented into UK law by way of ambulatory reference provisions in secondary legislation. The ambulatory reference provisions give direct effect in the UK to these amendments and, in advance of those amendments taking effect in the UK, the Secretary of State has agreed to publish them by way of a parliamentary statement to both Houses of Parliament.

This statement relates specifically to amendments agreed in the International Maritime Organisation (IMO) to the international convention for the prevention of pollution from ships, 1973 (MARPOL) and the international code for the construction and equipment of ships carrying dangerous chemicals in bulk (IBC Code).

IMO resolution MEPC.314(74) amends regulations 1 and 10 of annex V to MARPOL (which relates to the prevention of pollution by garbage from ships) to allow the use of electronic record keeping. The requirements for the format and content of a ship’s record books under annex V are unchanged but operators may now choose whether these records are made and kept in electronic or hard copy form. The amendment to regulation 10 is implemented by updating the reference to regulation 10.3 of annex V in regulation 12(2)(a) of the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020 (S.I. No. 2020/621). This is achieved by way of the ambulatory reference provision in regulation 4 of those regulations. The

amendment to regulation 1 (definition of “electronic record book”) applies by virtue of the reference to it in regulation 10. The amendments come into force on 1 October 2020.

IMO resolution MEPC.315(74) amends regulations 1 and 13, and appendices 4 and 6 of annex II to MARPOL. The amendments insert requirements in relation to high viscosity products which, in certain specified areas, will require a cargo tank prewash at the port of unloading until the tank is empty, the residue of which must be discharged to a port reception facility. The amendments to regulations 13 and appendix 4 are implemented by updating the respective references to these provisions in regulations 24(2)(d) and 28(2) of the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 (S.I. No. 2018/68) (the NLS regulations) pursuant to the ambulatory reference provision in regulation 4 of those regulations. The amendments to regulation 1 (definition of “persistent floater”) and to appendix 6 apply by virtue of the references to them in regulation 13 (paragraph 7). The amendments come into force on 1 January 2021.

IMO resolutions MSC.460(101) and MEPC.318(74) amend chapters 1, 15, 16, 17, 18, 19 and 21 of the international code for the construction and equipment of ships carrying dangerous chemicals in bulk (the IBC code). Chapters 17 and 18 of the IBC code are referenced in regulations 3(1) and 24(8) of the NLS regulations and these references are updated pursuant to the ambulatory reference provision in regulation 4 of the regulations. As a result, ships carrying dangerous chemicals or noxious liquid substances in bulk will need to amend the list of products that they may carry and will require new certificates of fitness and noxious liquid substances certificates. The amendments come into force on 1 January 2021.

The amendments referred to in this statement will be published, with explanatory information, in a marine guidance note and will be available on www.gov.uk.

[HCWS474]

WORK AND PENSIONS

Office for Nuclear Regulation: Annual Report and Accounts 2019-2020

The Parliamentary Under-Secretary of State for Work and Pensions (Mims Davies): My noble Friend the Parliamentary Under-Secretary of State, Department for Work and Pensions (The Baroness Stedman-Scott) has made the following written statement.

Later today I will lay before this House the Office for Nuclear Regulation (ONR) Annual Report and Accounts 2019-2020. These documents will also be published on the ONR website.

I can confirm, in accordance with Schedule 7, Section 25(3) of the Energy Act 2013, that there have been no exclusions to the published documents on the grounds of national security.

[HCWS473]

Ministerial Correction

Tuesday 29 September 2020

TREASURY Economic Update

The following is an extract from the Economic Update statement on 17 March 2020.

Greg Smith (Buckingham) (Con): I warmly welcome the enormous package of measures outlined by the Chancellor. This morning, I spoke to Energy Generator Hire in Kimble Wick in my constituency, which has lost most of its order book and is uncertain about the future. Can he confirm whether event hire companies are included in the envelope of leisure and hospitality?

Rishi Sunak: Those that have business properties will be eligible both for the relief and the grant, which will cover a significant number of events companies that

have premises. Obviously, if they do not have premises, they will not qualify for business rates relief, but should be eligible for some of the other measures that I have outlined today.

[Official Report, 17 March 2020, Vol. 673, c. 964.]

Letter of correction from the Chancellor of the Exchequer, the right hon. Member for Richmond (Yorks) (Rishi Sunak):

An error has been identified in the answer I gave to my hon. Friend the Member for Buckingham (Greg Smith).

The correct answer should have been:

Rishi Sunak: Those that **occupy certain business properties, as described in forthcoming guidance**, will be eligible both for the relief and the grant, which will cover a significant number of events companies that have premises. Obviously, if they do not have premises, they will not qualify for business rates relief, but should be eligible for some of the other measures that I have outlined today.

ORAL ANSWERS

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No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons,*

**not later than
Tuesday 6 October 2020**

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