

**Monday**  
**27 June 2022**

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**No. 24**



**HOUSE OF COMMONS**  
**OFFICIAL REPORT**

**PARLIAMENTARY**  
**DEBATES**

**(HANSARD)**

**Monday 27 June 2022**

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# HER MAJESTY'S GOVERNMENT

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(FORMED BY THE RT HON. BORIS JOHNSON, MP, DECEMBER 2019)

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§ *Members of the Government listed under more than one Department*

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# THE PARLIAMENTARY DEBATES

## OFFICIAL REPORT

IN THE THIRD SESSION OF THE FIFTY-EIGHTH PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
[WHICH OPENED 17 DECEMBER 2019]

### SEVENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES

VOLUME 717

FOURTH VOLUME OF SESSION 2022-2023

## House of Commons

## Oral Answers to Questions

*Monday 27 June 2022*

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

### LEVELLING UP, HOUSING AND COMMUNITIES

*The Secretary of State was asked—*

#### PRAYERS

[MR SPEAKER *in the Chair*]

#### Housebuilding: Urban Densification

#### BUSINESS BEFORE QUESTIONS

##### NEW MEMBERS

*The following Member made and subscribed the Affirmation required by law:*

Simon Robert Lightwood, for Wakefield.

*The following Member took and subscribed the Oath required by law:*

Richard John Foord, for Tiverton and Honiton.

#### Speaker's Statement

2.37 pm

**Mr Speaker:** Before we come to questions, I wish to make a short statement. I am exercising the discretion given to the Chair to waive the usual restrictions on references to matters sub judice in respect of the ongoing or adjourned Grenfell Tower inquests and cases relating to cladding. This is to allow debate to take place on the relevant policy matters, rather than discussion of the details of individual cases. This waiver applies to today's questions and ongoing relevant proceedings.

I should also note that earlier copies of the Order Paper had today's questions printed twice in error. I can reassure the Ministers they will only have to answer each question once—depending on how they behave!

1. **John Penrose** (Weston-super-Mare) (Con): What steps his Department is taking to increase housebuilding through densification of urban areas using local authority-approved building codes that pre-approve buildings. [900712]

**The Minister for Housing (Stuart Andrew):** We want to build good-quality homes in the right places, and to give communities a greater say in the planning process. The Levelling-up and Regeneration Bill includes provision for new “street vote” powers which will allow residents to come together and bring forward the development that they want to see on their streets, in line with their design preferences. That will incentivise communities to consider the potential for development, especially in areas of high demand, and will support a gentle increase in density through well-considered, well-designed and locally supported proposals.

**John Penrose:** I thank the Minister for that reply, and agree with him that the “street votes” idea—which the Secretary of State described as “a cracking idea” a few months ago from that very Dispatch Box—is extremely welcome and at the core of the Bill. Will he consider applying the same principles of local consent and design codes on a slightly larger scale to increase supply and create wealth across whole neighbourhoods rather than just single streets, as outlined in chapter 4 of my recent paper “Poverty Trapped”?

**Stuart Andrew:** My hon. Friend never misses an opportunity to promote his paper, and I commend him for it. Of course we want to ensure that every community has an opportunity to build the houses that it needs within the local plan that it is developing. I welcome many of the points that my hon. Friend raised in his paper, and look forward to working with him in future to see how we can develop them further.

**John Cryer** (Leyton and Wanstead) (Lab): Does the Minister agree that high density does not equate to high rise? In the light of tragedies such as Grenfell Tower, Ronan Point and others, will he look less than kindly on applications for high-rise developments?

**Stuart Andrew:** The hon. Gentleman will understand that I am not able, in a quasi-judicial role, to comment on individual planning applications. It is for local authorities to make those decisions. Density can come in a range of different ways, and it is for local communities to decide what housing they want built in their area.

### Brownfield Development

2. **Robbie Moore** (Keighley) (Con): What progress his Department has made on promoting responsible development on brownfield sites. [900713]

**The Minister for Housing (Stuart Andrew):** The Government strongly encourage the use of brownfield land and we have introduced new planning measures to make the best use of previously developed land while also boosting the delivery of new homes. A total of £550 million has now been allocated to the seven mayoral combined authorities in the north and midlands for brownfield development, including £120 million announced in the levelling-up White Paper.

**Robbie Moore:** In the heart of Keighley we have a unique open area known as the green space, and the town council, local residents and I are all determined to keep it green. However, despite there being many other brownfield options, Labour-run Bradford Council is determined to build on this green space and we will now have a public referendum on the issue. Does my right hon. Friend agree that responsible brownfield development involves local authorities listening to what local people want, and that Labour-run Bradford Council should not ignore my constituents?

**Stuart Andrew:** My hon. Friend will know that, due to the quasi-judicial role, I cannot say too much about individual plans or proposals, but I know that he fights incredibly hard for his constituents in Keighley. What I can say is that when a planning application comes forward, there is a period for local consultation. That consultation needs to be local, and the council should listen to the concerns. Much of what we are introducing in the Levelling-up and Regeneration Bill will make it easier for the development of local plans and easier for people to engage so that they can decide what is built where in their communities.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Will the Secretary of State and his gang be honest with the British public? All the time I hear people on the Government Benches saying that we have to build on brownfield land, but if it is brownfield land that can be built on and it is where people want to live, it has usually been built

on already. The fact is that if this Government want to build houses, they will sometimes have to build them on green-belt land and other sites, and they will have to be imaginative about it. Do not con the British people. Brownfield land building will not meet the needs.

**Stuart Andrew:** I completely disagree with the hon. Gentleman. The fact is that we have run a national register and it has identified more than 28,000 hectares of developable land, which is enough for 1 million homes. I make no apology for wanting regeneration, and I make no apology for wanting brownfield before green belt.

**James Gray** (North Wiltshire) (Con): At this moment there are 20 million tonnes of wheat locked up in Ukraine and we are facing a significant food shortage across the world in the years to come. Does the Minister agree that, at a time like this, using good productive land in the UK for solar farms is disgraceful and that the forthcoming national planning policy framework ought to discourage the use of agricultural land for solar farms rather than encourage it?

**Stuart Andrew:** I know that my hon. Friend has recently secured a Westminster Hall debate on this issue. Where agricultural land is needed, we always suggest it should be the less good agricultural land, but we also need to ensure that we are producing our own energy for this country. That is a balance that needs to be struck locally.

### Spatial Disparities: Annual Reporting

3. **Kate Hollern** (Blackburn) (Lab): If he will make an assessment of the potential merits of requiring Government Departments to report annually on the impact of spatial disparities across the UK on targeted outcomes. [900714]

**The Minister for Local Government, Faith and Communities (Kemi Badenoch):** The Government will publish an annual report on progress towards delivering the 12 levelling-up missions designed to address the UK's spatial disparities. The obligation to publish the report will be established in statute, creating a regular point for Parliament and the public to scrutinise progress towards levelling up.

**Kate Hollern:** The levelling-up missions fall far short of what we really need to make progress in this country. They are nothing more than the Government marking their own homework. Communities desperately need a cross-Government approach that focuses on the different outcomes for people and places in health, education and so many other areas. Will the Minister consider working with colleagues to set clearer lines of accountability on levelling up across Government Departments so that they can be assessed on their effectiveness and on real outcomes for people?

**Kemi Badenoch:** The hon. Lady will find that the levelling-up White Paper and the Levelling-up and Regeneration Bill do the very things she is asking. On marking our own homework, she misunderstands the point. The fact is that these missions should not be set in stone. As the economy adapts, so might the missions

to reflect the changing environment and the lessons learned from past interventions. Some targets cut across spending review periods, for example, and it would make sense to be able to review them before the next period begins.

**Jake Berry** (Rossendale and Darwen) (Con): Does my hon. Friend accept that it is hard to deliver the long-term, ambitious levelling-up plans set out in law without a long-term mechanism for funding them? Will she agree to meet me and members of the Northern Research Group, which has called for a levelling-up formula to equalise Government spending across our United Kingdom?

**Kemi Badenoch:** I am very happy to do so.

**Margaret Ferrier** (Rutherglen and Hamilton West) (Ind): Resolution Foundation research indicates that the true cost of levelling up is billions higher than accounted for by Ministers, owing to the continued investment in the south-east of England offsetting the productivity boost in other regions. How will Ministers look holistically at socioeconomic inequalities to better understand how to close the gap?

**Kemi Badenoch:** The Resolution Foundation's report raises some very interesting findings, and it highlights the urgency of levelling up across the UK and the fact that the cost of living crisis is making levelling up more challenging and necessary. The UK shared prosperity fund will help to unleash the creativity and talent of communities that have been overlooked and undervalued. If the hon. Lady would like to raise anything specific with me, I would be happy to respond in writing.

#### UK Shared Prosperity Fund

4. **Dr Jamie Wallis** (Bridgend) (Con): What recent discussions he has had with representatives of local and devolved government in Scotland and Wales on the UK shared prosperity fund. [900715]

7. **Robin Millar** (Aberconwy) (Con): What recent discussions he has had with representatives of local and devolved government in Scotland and Wales on the UK shared prosperity fund. [900718]

8. **Mick Whitley** (Birkenhead) (Lab): What assessment he has made of the impact of the allocation of the UK shared prosperity fund on real-term funding levels for communities. [900720]

22. **Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): What recent discussions he has had with elected members in the devolved Administrations on the (a) equity and (b) transparency of the (i) levelling-up fund and (ii) UK shared prosperity fund. [900734]

**The Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations (Michael Gove):** The UK shared prosperity fund will deliver funding to all parts of our United Kingdom, and our allocation approach gives every region and nation a real-terms match with EU funding. Details are published on gov.uk. We have engaged with the devolved Administrations at all levels on the design of the fund,

and their input has helped to inform the most appropriate mix of interventions and local allocations for each part of the United Kingdom.

**Dr Wallis:** Does my right hon. Friend agree that by directly investing in local communities, such as my Bridgend constituency, levelling up is extended so that all of Wales benefits?

**Michael Gove:** My hon. Friend puts it very well. The UK shared prosperity fund, the levelling-up fund and, indeed, the community ownership fund, which my right hon. Friend the Secretary of State for Wales is championing today, together help communities such as Bridgend, which my hon. Friend represents so effectively, to provide more opportunities to more citizens.

**Robin Millar:** My right hon. Friend will share my surprise to hear that the Welsh Labour Minister for the Economy wrote to all council leaders in Wales on 14 June saying

“Welsh government will not help deliver UK government programmes in Wales we consider to be flawed.”

Will my right hon. Friend assure the residents of Aberconwy that such directions will not be allowed to frustrate the sharing of prosperity in Wales?

**Michael Gove:** My hon. Friend raises a very important point, and I am disappointed. Vaughan Gething is a nice guy but it is a mistake, when we are decentralising power and resources to local government in Wales, for the Welsh Government and the Senedd to take that position. It is vital that we work together in the interest of the whole United Kingdom. This Parliament has been clear about ensuring that funding is available to local government and councillors in Wales of every party. The Welsh Government's approach does not serve Wales well.

**Mick Whitley:** This Government fought and won the last election with a commitment to ensuring that post-Brexit funding will, at a minimum, match European Union subsidies, but the shared prosperity fund allocated to the Liverpool city region is £10 million a year less than we previously received from the EU. Will the Secretary of State concede that this is the latest in a long line of broken Tory promises? And will he commit to reforming an out-of-date, inadequate and wholly arbitrary funding formula that has seen some of the most deprived communities in the country lose out on vital sources of funding?

**Michael Gove:** I respectfully disagree with the hon. Gentleman. If we look at not just the UK shared prosperity fund but the other investment in the Liverpool city region, we will see that this Government are absolutely committed not just to matching but to exceeding the support that was given under the European Union. I am looking forward to visiting the Liverpool city region later this week to discuss with the combined authority Mayor Steve Rotheram and others how levelling up is working on the ground.

**Stuart C. McDonald:** The recent Public Accounts Committee report reminds us:

“Economic development is a devolved power”,

but decisions that would previously have been made according to Scottish Government priorities are now “based entirely on UK Government's assessment of priorities.”

In short, that is not decentralisation; it is a power grab. What will the Department do to address the PAC's scepticism about how closely devolved priorities have been accommodated within the shared prosperity fund and other policies?

**Michael Gove:** The hon. Gentleman will, I am sure, be aware that I had the opportunity of speaking to the Scottish Parliament's Finance and Public Administration Committee, which covers these questions. I was struck by the fact that Scottish National party MSPs and, indeed, a Green MSP were all eager for the UK Government to play an even more assertive role in deploying the levelling-up and UK shared prosperity funds. The rhetoric of a power grab 12 months ago has been replaced by a desire to work constructively. I should note, of course, that the Chairman of that Committee is the partner of his party's Front-Bench spokesperson here, the hon. Member for North Ayrshire and Arran (Patricia Gibson). Those MSPs are, I think, closer to their communities than distant West—Westminster figures.

**Alison Thewliss** (Glasgow Central) (SNP): That's easy for you to say!

**Michael Gove:** I know. Some politicians don't eat their own words—I swallow mine whole.

It is those MSPs who are closer to their communities, and unlike the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), they want the UK Government to work with them.

**Stephen Crabb** (Preseli Pembrokeshire) (Con): It has been very good to work closely with Pembrokeshire County Council over the last 12 months on a successful bid to the levelling-up fund to improve Haverfordwest town centre. Does my right hon. Friend agree that when it comes to Wales, local authorities really value the new direct relationship with the UK Government, and that the levelling-up fund creates new opportunities for partnership that do not exclude devolved Government and provide more opportunities for local Members of Parliament to get in and help their communities work on solutions?

**Michael Gove:** My right hon. Friend is absolutely right. When I talk on calls to local authorities in Scotland, as well as local authorities in Wales, it is striking how grateful they are that the UK Government are taking a pro-devolution, pro-decentralisation approach. That is in stark contrast to the Welsh Assembly Government and the Scottish Government, who are centralising power in Cardiff and Edinburgh and not listening to the communities so well represented on these Benches.

**Dan Jarvis** (Barnsley Central) (Lab): Further to the question from my hon. Friend the Member for Birkenhead (Mick Whitley), South Yorkshire will also be disadvantaged because of a miscalculation in the previous round of funding that has been baked into the new allocation process. This means that while Cornwall will get £229 per head, South Yorkshire will get £33 per head. I do not begrudge Cornwall a penny of that money, but I am sure that the Secretary of State will understand why I want a fair deal for my constituents in South Yorkshire. Will he help me get it?

**Michael Gove:** I am grateful to the hon. Gentleman for his point and for reminding the House that we have stuck to our manifesto commitment to ensure that, as well as Scotland, Wales and Northern Ireland, Cornwall was absolutely protected. I take his point about the calculations for South Yorkshire. I look forward to working with him, South Yorkshire MPs and Oliver Coppard to ensure that appropriate resource is provided. Just the other week, I had the opportunity to see the great work that is being carried forward in both Sheffield and Barnsley on his behalf.

**Mike Amesbury** (Weaver Vale) (Lab): Despite a manifesto promise to

“at a minimum match the size”

of the EU structural funds, the shared prosperity fund means £371 million less a year for English regions, as illustrated by hon. Members in the Chamber today. Of course, that cut comes at a time when the Conservative-led Local Government Association rightfully argues that the current council settlement falls £2 billion a year short of what is needed because of sky-high inflation. How does the Secretary of State plan to respond urgently to that plea?

**Michael Gove:** It is important that we fund local government appropriately, and we can do so only because of the way in which our economy has been well managed by the Chancellor of the Exchequer—[*Interruption.*] I am afraid that every time we hear from Labour Front Benchers, we hear another plea for more spending, but never, ever do they give an explanation of where the money will come from. The last time there was a Labour Chief Secretary, he left a note saying that there was no money left. Lord preserve us from another Labour Government, who would borrow and spend and take this country back to bankruptcy.

**Mr Speaker:** I call the SNP spokesperson, Patricia Gibson.

**Patricia Gibson** (North Ayrshire and Arran) (SNP): Despite the Secretary of State's bluster, he will be aware that the Scottish Government Cabinet Secretary for Finance and the Economy has written to him—I have the letter right here—to express her deep concerns about the UK Government's lack of engagement during the drafting of the Levelling-up and Regeneration Bill and about how it cuts across devolved responsibilities of the Scottish Parliament. Will the Secretary of State meet representatives from the Scottish Parliament specifically to discuss the democratic imperative of respect for the powers of that Parliament? Or does he simply not recognise the democratic legitimacy of the Scottish Parliament?

**Michael Gove:** I love to visit the Scottish Parliament; all sorts of wonderful folk serve in it, not least my hon. Friend the Member for Moray (Douglas Ross), and others who do such a brilliant job in holding the Scottish Government to account—

**Patricia Gibson:** He's not here!

**Michael Gove:** Well, he is holding the Scottish Government to account. Nobody else is doing it.

I had the opportunity to appear in front of Mr Ken Gibson a few months ago—what a pleasure it was. The Scottish Parliament and the Scottish Government are our partners in making sure that we can make levelling up a success. An example of that is the fact that the Cabinet Secretary whose letter the hon. Lady so elegantly holds has been working with the UK Government to deliver two new freeports in Scotland that would not have been possible if we were still in the European Union. I am glad to see the Scottish Government embracing one of the benefits of Brexit.

#### **Tower Block Remediation Deadline**

5. **Marsha De Cordova** (Battersea) (Lab): If he will impose a legally binding deadline for remediation works on tower blocks in England that are deemed unsafe as a result of (a) cladding and (b) other associated fire risks. [900716]

**The Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations (Michael Gove):** The Government are providing funds to remediate unsafe cladding in buildings above 11 metres and have secured unprecedented pledges from developers to fix the buildings they constructed. Today, I have written an open letter to all building owners of properties with critical building safety defects to remind them that we have taken powers, through the Building Safety Act 2022, to compel them to fund and undertake the necessary work to make all buildings safe.

**Marsha De Cordova:** We still have no legal deadline in place to fix cladding and fire safety issues and no justice for Grenfell, and thousands of buildings, including in my constituency, are still unsafe. The Government have been dodging their responsibilities for more than the past five years. In January, the Secretary of State said that leaseholders are “blameless” and that it would be “morally wrong” for them to pay. Why, then, does he think it is fair for so many leaseholders, including in my Battersea constituency, to potentially have to pay £15,000 for non-cladding costs to correct problems that they did not cause?

**Michael Gove:** The hon. Lady makes a number of important points. It is fair to say, and most people in the House would acknowledge, that, although progress over the past five years has not been everything that it should be, in recent months we have succeeded in securing commitments from developers to remediate the buildings for which they are responsible. With the publication of the open letter today and the passing of the Building Safety Act, a requirement has been placed on freeholders to pay for the work that is required. We have a cap on the commitments that any leaseholder has to enter into and that cap is consistent with the precedent in Florrie’s law. I look forward to working with the hon. Lady, as an assiduous constituency Member of Parliament, to make sure that those whom she serves are relieved of any obligation beyond that which is fair to ensure that their buildings are safe.

**Mr Richard Holden** (North West Durham) (Con): Most of the new build properties built in North West Durham are built to a high standard, but sadly some are not, and when they are not, people get in touch with my

constituency office. Will my right hon. Friend confirm that by further extending the rights of residents to seek compensation for issues arising from poor workmanship during construction we will help millions of new homeowners throughout the country to have the opportunity to pursue developers for poor workmanship, so that no one is left in substandard new housing?

**Michael Gove:** My hon. Friend is a brilliant campaigner not just for his constituency but for those who are in poor housing. Although the overwhelming number of new homes are built to very high standards, some do not meet the quality and decency thresholds that they should. I will work with my hon. Friend to achieve precisely the goal that he outlined.

#### **Housing Regeneration: Former Industrial Areas**

6. **Grahame Morris** (Easington) (Lab): What support his Department is providing to deliver housing regeneration in former industrial areas. [900717]

**The Minister for Housing (Stuart Andrew):** Our levelling-up White Paper makes a new offer to support transformational regeneration in towns and cities across the country. We have already announced our support in Wolverhampton, Sheffield and Blackpool. We are providing billions of pounds to support regeneration through our brownfield housing funds and levelling-up fund.

**Grahame Morris:** Will the Minister and his colleagues look at the wider remit of the Department, namely levelling up and communities, to deliver a workable policy on private-sector housing regeneration? My constituency suffers from a plethora of absentee landlord-owned derelict properties that are often a focus for crime and antisocial behaviour. Will the Secretary of State and the Minister listen to communities in Blackhall, Horden, Dawdon and Easington Colliery, which are in desperate need of levelling up in the form of housing regeneration, and come forward with a workable plan based on need rather than a beauty contest?

**Stuart Andrew:** The hon. Gentleman is right to highlight that matter, and we do take it incredibly seriously. Officials were up in his area not so long ago looking at those very issues. We are proud of the fact that we are getting a lot of support from political leaders of all persuasions to work with us in our mission to level up and address the very issues that he has just highlighted.

**Jonathan Gullis** (Stoke-on-Trent North) (Con): We all know that Stoke-on-Trent was the beating heart of this country’s industrial revolution. It is thanks to this Government and their investment in brownfield sites that we are building, on average, 1,000 new homes a year, of which 97% is on brownfield land, such as the Royal Doulton site that the Secretary of State recently visited. We have a game-changing agreement between Stoke-on-Trent City Council, ably led by Abi Brown and Carl Edwards, the portfolio holder, and Homes England to bring transformative and quicker housing to the city of Stoke-on-Trent. Will the Housing Minister welcome this landmark local council agreement?

**Stuart Andrew:** I can do nothing but welcome my hon. Friend’s enthusiasm for his city and for the amazing work that has been going on there. The collaboration between the Department, the Government and the city

council under Abi Brown's excellent leadership, shows that there is transformational change happening in Stoke-on-Trent, thanks to the fact that it has Conservative representation.

**Mr Speaker:** I call the Chair of the Levelling up, Housing and Communities Committee.

**Mr Clive Betts** (Sheffield South East) (Lab): I welcome the initial support—it is initial I am sure—that the Government are giving towards regeneration in my constituency. However, there is a problem. Initially, Sheffield Council was planning under the local plan to build around 40,000 homes in the next 15 years. With the metropolitan uplift, that has increased the number to more than 50,000. That will mean unnecessary building on greenfield sites, which otherwise could have been saved, and it will take the impetus away from building on regeneration brownfield sites. Will the Minister agree to meet me and representatives of the council to discuss how we can avoid this double disaster from happening?

**Stuart Andrew:** How could I possibly turn down an invitation to meet the Chair of the Select Committee? On the uplift, we are clear that this should be about the identification of existing sites and the regeneration of brownfield sites to meet that uplift. I will of course meet him to ensure that that happens. Regeneration is what we want, and I am glad that we are helping out in Sheffield.

**Theresa Villiers** (Chipping Barnet) (Con): Will the Minister take action to remove the excessively high housing targets that the Mayor of London has inflicted on the London suburbs, because they are making it harder and harder to turn down proposals that amount to overdevelopment?

**Stuart Andrew:** My right hon. Friend has knocked on my door on many occasions to raise many of the issues that she has highlighted in her constituency. I would be happy to meet her again to talk about exactly what she has just raised with me.

**Clive Efford** (Eltham) (Lab): There are nearly 200,000 fewer council housing properties today than there were in 2010. How have a Government who are committed to levelling up allowed that to happen?

**Stuart Andrew:** Because we have given people the opportunity to become home owners for the first time in a generation. I am proud of the fact that we have done that, but my right hon. Friend and I are determined that we will do all we can with our £12 billion affordable homes programme to create more homes in constituencies such as that of the hon. Gentleman.<sup>1</sup>

**Mr Gagan Mohindra** (South West Hertfordshire) (Con): As the Minister will be aware, both my constituents and I are deeply concerned that Three Rivers District Council continues to delay publishing a local plan until at least 2025. Local Liberal Democrat councillors are telling residents that it is Government targets rather than the lack of a local plan that is destroying our beautiful green spaces. Does my right hon. Friend agree that councils such as Three Rivers District Council need to

publish a local plan as soon as possible to protect our beautiful green-belt land rather than blaming Government housing targets?

**Stuart Andrew:** What a surprise that the Liberal Democrats are trying to spell out myths in my hon. Friend's constituency. If they care so much about this issue, it is a shame that not a single one of them is in the Chamber for questions today. He is right that his council needs to get on with the local plan, and I encourage it to do so, because that will give the people in his community surety about where houses will be built.

### Housebuilding: Social Homes

10. **Kate Osamor** (Edmonton) (Lab/Co-op): What steps he is taking to increase the number of social homes built each year. [900722]

**The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Eddie Hughes):** The provision of affordable housing is a central pillar of this Government's plan to level up the country. We are investing £11.5 billion in affordable homes over the next five years. We recognise that there is a significant need for social housing; that is why our affordable homes programme will aim to deliver 32,000 social rent homes, double the figure of the previous programme.

**Kate Osamor:** I am inundated with casework on a daily basis from constituents living in shocking conditions, facing problems with mould, disrepair and overcrowding that are seriously impacting their quality of life and mental health. There are more than 4,000 families on Enfield's waiting list for social housing alone. How can the Minister justify fewer than 7,000 social homes having been built in England last year?

**Eddie Hughes:** The hon. Lady highlights an equally important point about the quality of the social homes we have. I hope she will welcome the Social Housing (Regulation) Bill already making its way through the other place, which is intended to reduce the number of non-decent homes by 50% by 2030. We are doing that not just in the social rented sector, but in the private rented sector.

**Huw Merriman** (Bexhill and Battle) (Con): I welcome more social housing, but in the rural parishes of east Sussex the housing provider Optivo is selling off stock to the private market, citing the cost of meeting rental requirements. I have tried to reason with Optivo and suggest that it only do so where it or other social housing providers are building more housing in the same parish. Can I meet the Minister to discuss that and to discuss accountability of social housing organisations?

**Eddie Hughes:** My hon. Friend makes an important point about the accountability of housing associations. It is our drive, through the Government's work and the new Bill, to ensure that that accountability is increased. I am assured that the Housing Minister will meet my hon. Friend to discuss the issue with Optivo.

**Mr Speaker:** I call the shadow Minister, Matthew Pennycook.

1. [Official Report, 30 June 2022, Vol. 717, c. 6MC.]

**Matthew Pennycook** (Greenwich and Woolwich) (Lab): Having overseen the net loss of a staggering 135,000 genuinely affordable social homes over the past 12 years, the Conservative party now seems to have conceded that the country does not have enough and the Government need to do something about it. When it comes to reversing 12 years of failure on social housing, it is deeds, not words, that matter to the 1.2 million people now languishing on waiting lists across England. Can the Minister tell the House precisely how many extra homes for social rent the Government now plan to deliver by the end of this Parliament?

**Eddie Hughes:** It is slightly disappointing when the hon. Gentleman turns up with a written question that I have already answered in the response to the previous question. However, it is equally important to note that during the 11 years where we had a Labour Government, they built fewer affordable homes than the Conservative Government have built subsequently, so I do not think we are in a position to take lessons from the Opposition.

**Mr Speaker:** Now here is a lesson from Michael Fabricant.

#### **Rough Sleepers: West Midlands**

11. **Michael Fabricant** (Lichfield) (Con): Whether he has had discussions with the Mayor of the West Midlands on steps his Department is taking to help rough sleepers into long-term accommodation. [900723]

**The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Eddie Hughes):** The first thing Andy Street did when he became Mayor of the West Midlands was to convene a taskforce to tackle rough sleeping in the west midlands. He is a valued member of the Government's rough sleeping advisory panel, where I welcome his advice regularly, and the Government have supported the west midlands with funding for a range of accommodation, including £1 million for new homes under the rough sleeping accommodation programme.

**Michael Fabricant:** I thank my hon. Friend for mentioning the Mayor of the West Midlands—oh my gosh, I have forgotten his name; oh yes, it has come back to me—Andy Street. How does the Minister assess the effectiveness of the Housing First pilot that the Mayor has initiated in addressing rough sleeping in the west midlands?

**Eddie Hughes:** Andy Street, the Mayor of the West Midlands, has been a strong champion of the Housing First programme and the pilots. That has already achieved 552 individuals securing a tenancy through the programme. They are provided not just with accommodation but with the incredibly vital support that is necessary to help people to sustain a tenancy.<sup>1</sup>

**Mr Speaker:** I call shadow Minister Sarah Owen.

**Sarah Owen** (Luton North) (Lab): I read a rather lovely interview with the Minister in a recent issue of *The Big Issue* where he reconfirmed the Government's commitment to end street homelessness by 2024. All Labour Members want that to happen, and I actually

think the Minister does too, but can he honestly tell the House that this pledge has his whole Department's backing when the Secretary of State, sat next to him, is seeking to bring back the universally hated, cruel and antiquated Vagrancy Act 1824? If this Government really believe their own promise that they can end rough sleeping within the next two years, why are they seeking to recriminalise it now?

**Eddie Hughes:** Our ambition to end rough sleeping in the lifetime of this Parliament does not just require the wholehearted investment of our Ministers but of Ministers right across the Government. We are working incredibly closely with Ministers from the Department of Health and Social Care and the Department for Work and Pensions to make sure that we do genuinely achieve that ambition. I look forward to working with Opposition Members in order to help us in that cause.

#### **Digital Connectivity: Hardest-to-reach Premises**

13. **Ben Lake** (Ceredigion) (PC): What recent discussions he has had with Cabinet colleagues on improving the digital connectivity of the hardest-to-reach premises as referenced in the levelling-up White Paper. [900725]

**The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Neil O'Brien):** I am in regular contact with other Ministers on this subject, which is very important for rural areas. Through Project Gigabit we are investing £5 billion in better broadband. At the start of 2019, just 7% of Welsh households could get gigabit internet; now 51% can. We are investing a further £1 billion in the shared rural network, which will increase 4G coverage in mid and west Wales from 86% to 97%.

**Ben Lake:** The Minister will be aware that some 19% of properties in Ceredigion currently receive broadband speeds of under 10 megabits per second. Although there are plans to improve connectivity in a number of these areas, there are other communities in villages such as Plwmp, Brynhoffnant, Blaenporth, Penrhiwllan, Ffostrasol and Rhydlewys that are not currently subject to any plans. How will the Government ensure that such communities will benefit from improved connectivity even when commercial companies have not thus far brought forward any plans?

**Neil O'Brien:** That is a very important observation. I mentioned some of the huge investments that we are making and the pace that things are moving, but we want them to happen even more quickly. I have a lot of respect for the hon. Member, and if he would like to discuss further how we can make the new roll-out go even faster, I would love to do that.

#### **Levelling-up Funds: Criteria**

14. **Stephanie Peacock** (Barnsley East) (Lab): What recent assessment he has made of the impartiality of criteria used to award levelling-up funds. [900726]

**The Minister for Local Government, Faith and Communities (Kemi Badenoch):** The levelling-up fund targets money at those places that are most in need, using an index that includes metrics such as productivity,

1. [Official Report, 5 July 2022, Vol. 717, c. 10MC.]

skills, unemployment and commercial vacancy rates. In round 1 of the fund, over half the money allocated went to the 20% most deprived local authorities.

**Stephanie Peacock:** I thank the Secretary of State for visiting Barnsley East to meet the Coalfields Regeneration Trust to discuss its regeneration proposals. He will have seen from his visit how, by every measure, Barnsley is deserving of levelling-up funding, so despite our previous two bids being rejected, will he consider Barnsley in the upcoming round?

**Kemi Badenoch:** The hon. Lady will know that the allocation is a completely transparent process. If she wants to find out more about the help sessions for local authorities, we can provide information on how they can improve their bids.

**Tom Hunt (Ipswich) (Con):** It is likely that Ipswich is going to be connected to two levelling-up bids, one from the county council and one from the borough council. Does the Minister agree that investing in sports opportunities for young people, particularly in deprived areas, can be transformative for levelling up, and will she therefore welcome our plans to transform Gainsborough sports and community centre? Will she confirm that the civil servants will work as quickly as possible so that my constituents can see results on the ground, like with the towns fund, where the civil servants are currently reviewing the business cases?

**Kemi Badenoch:** I agree with both things, and we support all levelling-up bids.

**Mr Speaker:** We now come to shadow Minister Alex Norris.

**Alex Norris (Nottingham North) (Lab/Co-op):** The recent report from the Public Accounts Committee was a huge blow to the way in which the Government are seeking to level up and it exposed once again the debilitating impact of beauty parades and unclear allocation criteria. If the Secretary of State thinks that was praise, then goodness me! This can be resolved in future by the Government accepting our calls for proper, sustained funding that is targeted at need. Therefore, to make sure that we are never in this situation again, will the Minister commit to accepting amendment 13 to the Levelling Up and Regeneration Bill, which will start this process?

**Kemi Badenoch:** No, I will not commit to that. While we hold the Public Accounts Committee in high esteem, we reject much of the criticism and we will publish our response to its report in the summer.

#### Development: Water Treatment Infrastructure

15. **Philip Dunne (Ludlow) (Con):** What steps his Department is taking to help ensure that the development of homes and commercial buildings does not overload existing water treatment infrastructure. [900727]

**The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Eddie Hughes):** The national planning policy framework is clear that, through their local plans, local authorities should make sufficient provision for the development and infrastructure required in their areas to help deliver sustainable development. Water companies are expected to plan their future

infrastructure investment to accommodate future growth and ensure that adequate infrastructure provision is not a limiting factor.

**Philip Dunne:** I am grateful to the Minister for that reply. Does he agree that it would be appropriate for water companies to become statutory consultees for local authorities and that their views on water treatment capacity should be sought before local authorities grant consent for significant developments?

**Eddie Hughes:** There already is a statutory requirement in place for local planning authorities to consult water and sewerage companies on the preparation of local plans. Developer contributions can also be used to secure infrastructure improvements, including for wastewater. I understand that my right hon. Friend has already been in touch with the office of the Minister for Housing, my right hon. Friend the Member for Pudsey (Stuart Andrew), on these matters and that the Minister is happy to meet him to discuss this in greater detail.

#### Topical Questions

T1. [900737] **Dr Alan Whitehead (Southampton, Test) (Lab):** If he will make a statement on his departmental responsibilities.

**The Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations (Michael Gove):** I had the enormous privilege on Wednesday last week of attending the unveiling of the Windrush memorial, which marks the fantastic contribution made to this country over more than 70 years by migrants from the Caribbean and the wider Commonwealth. I wish to place on the record my thanks not just to the Minister, my hon. Friend the Member for Saffron Walden (Kemi Badenoch), but to Baroness Floella Benjamin for the fantastic work she undertook to ensure that that fitting memorial could be unveiled.

**Dr Whitehead:** I welcome the proposals to extend the decent homes standard in the private rented sector in the just published, "A fairer private rented sector" White Paper. Is it the Government's intention to include their stated targets on private rented sector energy efficiency in homes in the decent homes standard? If they do that, what sanctions will the Government be proposing for landlords who fail to make their properties energy-efficient?

**Michael Gove:** The hon. Gentleman is right that energy efficiency is a critical part of making sure that homes are decent, safe and warm, and we will be considering what steps and what proposals we might be able to put in place to ensure that landlords live up to their responsibilities.

T3. [900739] **Peter Aldous (Waveney) (Con):** Local authorities such as Suffolk County Council are facing major challenges in recruiting social care staff. That is cascading right through the health and social care system and causing major difficulties for hospitals in discharging patients, getting on top of the backlog of operations and getting ambulances quickly back on the road. Can my right hon. Friend the Secretary of State outline the discussions he has had with local government to remove this logjam?

**The Minister for Local Government, Faith and Communities (Kemi Badenoch):** Local authorities such as Suffolk County Council are facing major challenges in recruiting social care staff; that is cascading right through the health and social care system and causing major difficulties for hospitals in discharging patients and getting on top of the backlog of operations. I agree with my hon. Friend and want him to know that I have been working on the issue very closely with my counterpart in the Department of Health and Social Care. We have provided £462.5 million to local authorities to support them with those workforce pressures, and there is more that we will continue to do.

**Lisa Nandy (Wigan) (Lab):** We have had a week of travel chaos while the Transport Secretary has sat idly by, and there is another crisis on the horizon: the local government cleaners, social workers and refuse workers who cannot afford to feed their families on the wages they are paid. They need and deserve a pay rise. The Secretary of State for Levelling Up, Housing and Communities knows that workers and council leaders struggling with record Tory inflation cannot square the circle alone. Nobody wants rubbish piling up in the streets, nobody wants older people left in their homes, and nobody wants families left to break. Will he commit to making a better fist of this than his hopeless colleague at the Department for Transport? He should do as they ask and come to the table to protect our vital workers, who kept this country going during the pandemic, and the communities they serve so well.

**Michael Gove:** I am surprised that the hon. Lady talks about “Tory inflation”—presumably the inflation in Germany is Social Democratic inflation, inflation in France is En Marche inflation, and inflation in the United States is Democrat inflation. The truth is that when it comes to dealing with the cost of living crisis and ensuring that our economy is on the right track, she and her colleagues would be better served by using their links with the trade unions to get workers back to work, rather than she and her colleagues supporting the RMT in strike action that gets in the way of our economy moving forward.

**Lisa Nandy:** It would be laughable if the Government’s failure to do their job had not brought this country to a standstill and was not about to get much worse. The Secretary of State talks about Labour Members doing their jobs, but the last time we had strikes on this level was under the Thatcher Government in 1989, and he was on a picket line—I prefer his earlier approach. If he is serious about getting the economy moving, why does he not do his job?

My hon. Friend the Member for Nottingham North (Alex Norris) talked about the billions of pounds that the Government have poured down the drain on levelling up, because the Secretary of State does not have the first clue how to spend it. He knows that the only way out of this low growth, high tax spiral that his Government have created is to get the economy firing on all cylinders. Can he remind me again whose job that is? It is his. If he will not do it, why will he not get out of the way and give that money to local council leaders so that they can?

**Michael Gove:** That was beautifully scripted. I offer my support to the hon. Lady in her leadership bid; I am behind her 100% of the way, as, I am sure, are her

friends in the RMT and that other figure who joined Labour MPs on the picket line last week: Arthur Scargill. She talks about going back to the future, but she would take us back to the future of the ’80s with strikes, inflation and borrowing. She is the Marty McFly of politics: someone who lives in the past, even as she aspires to greater things.

**Mr Speaker:** I say to both Front Benchers that it is totally unacceptable to take that length of time in topical questions. Back Benchers are the people who are meant to be asking topical questions, so please consider the rest of the Chamber.

T6. [900742] **Sarah Atherton (Wrexham) (Con):** Wrexham’s levelling-up gateway bid is supported by a 16,000-signature petition, which we will present to No. 10, to redevelop the Kop stand at the racecourse and create an international sporting stadium in north Wales for the first time. Does the Minister agree that people are at the heart of the Government’s levelling-up agenda and the amount of people who have signed the petition shows its true value?

**The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Neil O’Brien):** My hon. Friend makes an important point. I pay tribute to her leadership on this issue. We look forward to seeing the bid.

**Mr Speaker:** I call the SNP spokesperson.

**Patricia Gibson (North Ayrshire and Arran) (SNP):** Will the Secretary of State confirm his willingness to meet me, North Ayrshire Council and key partners to discuss the robust proposals for a fusion energy plant at Ardeer in my constituency? Does he agree that a successful Ardeer bid would provide a step change in local and regional economic prosperity, as well as being a catalyst for long-term sustainable investment in North Ayrshire?

**Michael Gove:** Yes and yes. Even though they are not in my party, I must say that North Ayrshire’s elected representatives in this House and in Holyrood do a fantastic job for their constituents in championing nuclear power.

T2. [900738] **Dan Carden (Liverpool, Walton) (Lab):** I refer the House to my entry in the Register of Members’ Financial Interests. There is an alcohol harm paradox, whereby people in the most deprived communities drink less but suffer larger consequences. In Liverpool, 88% of alcohol is sold at below 50p a unit, and 24% of the population drink at high risk. More and more premises are seeking to open. Will the Secretary of State look again at making public health a licensing objective and review the way that licensing fees are set nationally so that they could be set at a local level?

**Michael Gove:** I am sure the whole House knows of the hon. Gentleman’s courage and principle in campaigning on such questions. He makes a valid point. A health disparities White Paper is forthcoming soon and I will discuss his precise point with my right hon. Friend the Health and Social Care Secretary.

T9. [900746] **Martin Vickers** (Cleethorpes) (Con): Planning applications have a major impact on communities, but too often communities feel excluded from the decision-making process because they are unaware of the procedure for the local plan. Could Ministers ensure that, in the planning reforms they bring forward, they will make changes so that communities can take an active part from the beginning?

**The Minister for Housing (Stuart Andrew)**: My hon. Friend is absolutely right, and that is one of the key ambitions of the measures being introduced in the Levelling-up and Regeneration Bill. We want there to be opportunities for communities to influence and comment on emerging local plans, and we will make sure that those powers are enhanced and that the planning system is digitised so that it is easier for people to engage, because local people need to decide where the local housing should be provided.

T5. [900741] **Fleur Anderson** (Putney) (Lab): The Secretary of State promised an overhaul of the building safety fund to put an end to the endless delays to the funding that people in unsafe buildings desperately need, but the delays continue. Three blocks in my constituency—the Swish building, the Radial development and Percy Laurie House—have all been pending for well over a year now, and they have heard nothing from the fund. Will the Secretary of State meet me to discuss these blocks, and stop these and many applications getting stuck?

**Michael Gove**: Absolutely. In the first instance, I will ask Lord Greenhalgh to investigate, and then we will of course follow up with a meeting.

**Peter Gibson** (Darlington) (Con): Burtree in the north of Darlington has been granted garden village status. However, the current difficulties posed by nutrient neutrality guidance from Natural England are causing delays not just for this developer, but others. What can my right hon. Friend do to rectify this situation? Moreover, can I press him to do all he can to unblock the bureaucratic backlog between Homes England, the Treasury and his Department, to enable Burtree to progress?

**Michael Gove**: Absolutely. On nutrient neutrality, we are working with the Department for Environment, Food and Rural Affairs and Natural England to resolve this question. On the second point, I will apply appropriate pressure to tender parts.

T7. [900743] **Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): The Secretary of State will be aware of my interest in flood prevention from my ten-minute rule Bill—the Flooding (Prevention and Insurance) Bill—and how important the issue is to Hull and the East Riding. Will he be following the Labour Government in Wales in enacting schedule 3 to the Flood and Water Management Act 2010 for England, which would ensure minimum standards of sustainable drainage systems on every new property?

**Michael Gove**: Sustainable drainage systems are a vital part of future developments, so I will look closely at the recommendation the hon. Member makes.

**James Grundy** (Leigh) (Con): While currently only local authorities can initiate levelling-up fund bids, has my right hon. Friend given consideration to giving other organisations, such as community interest companies or charities, the ability to submit LUF bids, so long as they have the backing of the local MP?

**Michael Gove**: That is an intriguing idea, and it would be a significant development. My hon. Friend is, I think, probably the most effective Member of Parliament in the borough of Wigan, and can I say that I look forward to working closely with him on that?

**Mohammad Yasin** (Bedford) (Lab): Since the Tories came into power, 800,000 fewer households aged under 45 own their homes, nearly 1 million more people now rent—often at a cost higher than a mortgage—and the number of truly affordable homes and new social rented homes being built has fallen by over 80%. Is the Secretary of State ashamed of this record, which is failing a generation of young people?

**Michael Gove**: No, but there is more to do.

**Nickie Aiken** (Cities of London and Westminster) (Con): I was very proud when this Government repealed the Vagrancy Act 1824 under the Police, Crime, Sentencing and Courts Act 2022, and the last thing we should do is demonise and criminalise people who rough-sleep and beg. I absolutely appreciate that there can be antisocial behaviour with aggressive begging, but we have legislation—more robust and more modern legislation—that deals with that. Therefore, I was concerned to see that clause 187 of the new Levelling-up and Regeneration Bill disregards the repeal of the Vagrancy Act. When is a repeal not a repeal?

**Mr Speaker**: Order. The question was too long.

**Michael Gove**: There will be no return to the Vagrancy Act. We will work with the Home Office to ensure that there are appropriate measures to deal with any form of antisocial behaviour, but criminalising rough-sleeping and begging is not on the agenda.

**Matt Western** (Warwick and Leamington) (Lab): I have leaseholders in my constituency of Warwick and Leamington who are unable to sell their properties because the properties have not been painted for 40 years, despite the freeholder's obligations. Why have the Government actually postponed their leasehold reforms from this Parliament?

**Michael Gove**: They are coming: we are going to introduce those reforms in the next Queen's Speech.

**Sir Greg Knight** (East Yorkshire) (Con): Is the Secretary of State aware that in 2019 I took through Parliament the Parking (Code of Practice) Act with all-party support? This measure mandates the Government to introduce a code to make parking fairer for motorists. In view of the overwhelming support for this measure on both sides of the House, why are the Government now dragging their feet on the matter?

**Michael Gove:** There is a challenge to some of the proposals we are putting forward, with which we have to deal in the courts.

**Carol Monaghan** (Glasgow North West) (SNP): Scotland receives 40% less money from levelling-up funding than it received from the EU. When does the Secretary of State estimate Scotland will get the same amount of funding as we had as a member of the EU?

**Michael Gove:** Scotland is just as generously funded as ever before, but it would be even better for Scotland if the Scottish Government were not spending £20 million on campaigning for independence, because as we all know, breaking up the United Kingdom would be an economic disaster for Scotland.

**Tim Loughton** (East Worthing and Shoreham) (Con): Ministers are aware of the long-standing limbo the learned societies of Burlington House find themselves in because of the proposed rent increases from the Government, and I declare an interest as a fellow of the Society of Antiquaries of London. Apparently the Secretary of State has promised the hon. Member for Rhondda (Chris Bryant) a meeting to get everybody around the table to sort this out. May we urgently have that meeting before the summer recess, and will he give us a date now?

**Michael Gove:** My hon. Friend is a distinguished archaeologist and antiquarian—although still a youthful-looking antiquarian. Yes, we will have that meeting; it will happen before 22 July and I will invite both my hon. Friend and the hon. Member for Rhondda (Chris Bryant).

**Ian Paisley** (North Antrim) (DUP): The Secretary of State has mentioned that there will be more opportunities for all of the UK as a result of the levelling-up programme, and of course we welcome that. He also knows there is a subsidy control mechanism in operation in Northern Ireland that prevents Northern Ireland from benefiting from levelling up and other generous benefits that flow from this place. Will the Secretary of State today ensure that everyone on his side of the House—and I encourage Members on the Opposition side of the House to do this too—votes for the Northern Ireland Protocol Bill, in which clause 12 will remove that impediment to progress?

**Michael Gove:** The Foreign Secretary will open the Second Reading debate, and I hope people will listen to everything that she and indeed the Secretary of State

for Northern Ireland say, in order to make sure Northern Ireland can fully participate in all the benefits of being part of the UK.

**Jane Hunt** (Loughborough) (Con): I refer the House to my entry in the Register of Members' Financial Interests.

There are two villages in my local area that will essentially become one due to a development that was granted approval on appeal. How is the Secretary of State addressing the current problem of the lack of a five-year land supply circumventing local planning decisions?

**Michael Gove:** The Levelling-up and Regeneration Bill and our forthcoming national planning policy prospectus will address precisely that question.

**Peter Grant** (Glenrothes) (SNP): I welcome the Secretary of State's new-found enthusiasm for the Scottish Parliament. Does that enthusiasm extend to recognising the mandate that Parliament has to honour the manifesto commitments on which a clear majority of its Members have been elected in 2021, 2016 and 2011?

**Michael Gove:** In 2014 the people of Scotland voted to remain part of the United Kingdom and were told at the time by the Scottish National party that it was a once in a generation vote. Eight years on from that vote it would be folly indeed, at a time when there is war on the European continent, we face cost of living challenges and we are all committed to working together to deal with the legacy of covid, to spend even more money attempting to break up and smash the United Kingdom instead of working to heal and unite.

**Paul Holmes** (Eastleigh) (Con): Eastleigh Borough Council is scheduled to have £670 million of debt by 2025, with no sign of it reducing. Does the Secretary of State think this is acceptable, and what plan does his Department have to tackle such profligate councils?

**Michael Gove:** As Eastleigh Borough Council is so profligate, I presume—I do not know; I do not have the facts in front of me—it must be a Liberal Democrat-controlled council, because profligacy and fiscal incontinence on such a level could only be engineered by the opportunistic gang that masquerades as the Liberal Democrat party.

## Draft Mental Health Bill

3.34 pm

**The Secretary of State for Health and Social Care (Sajid Javid):** With permission, Mr Speaker, I would like to make a statement on our plans to bring the Mental Health Act 1983 into the 21st century. Today, just as we pledged in the Queen's Speech, we have published a draft Mental Health Bill to modernise legislation that was passed by the House almost 40 years ago and make sure that it is fit for the future.

Last year, we invested £500 million to support those with mental health needs who were most affected by the pandemic and, as we set out in the NHS long-term plan, we are investing record amounts into expanding and transforming mental health services. That will reach an extra £2.3 billion each year by 2023-24. Later this year, we will also publish a new 10-year mental health plan followed by a 10-year suicide prevention plan, which, as I set out in a speech on Friday, will place a determined focus on this major source of grief and heartbreak so that fewer people will one day get the news that turns their lives upside down. But we cannot make the critical reforms that we need and that are so essential to the country's mental health system without making sure that the law that underpins our country's mental health system is up to date, too.

Since the 1983 Act, our understanding of and attitude towards mental health has transformed beyond recognition, and it is right that we act now to bring the Act up to date. The Mental Health Act was created so that people who have severe mental illnesses and present a risk to themselves or others can be safely detained and treated for their own protection and that of those around them, but there are a number of alarming issues with how the Act is currently used. Too many people are being detained. They are also being detained for too long, and there are inequalities among those who are detained. The previous Prime Minister, my right hon. Friend the Member for Maidenhead (Mrs May), asked Professor Sir Simon Wessely to lead a review into the Act. I pay tribute to my right hon. Friend for her tireless commitment to this most important of issues and to Sir Simon for his illuminating report, which made a powerful case for reform and was rightly welcomed on both sides of the House. It made for uncomfortable but essential reading, vividly showing how currently the Act fails patients and their loved ones and deprives people of autonomy and control over their care.

The draft legislation that we have published today builds on Sir Simon's recommendations as well as those in our White Paper, which was published in partnership with the Ministry of Justice last year. Just like Sir Simon's report, the White Paper was welcomed by both sides of the House. It was also welcomed by leading charities including Mind, the National Autistic Society and Rethink, countless mental health professionals and, critically, the people who use mental health services and their loved ones. Today, we are showing how we will put the vision into action. The Bill is a once-in-a-generation reform, and I would like to set out briefly to the House the important themes that sit behind it.

First, the Bill rebalances the criteria for detention so that it will take place only as a last resort when all other options have been explored and considered. Under the

new criteria, people will be detained only when they pose a significant risk of harm to themselves and others, and patients should be detained only if they will benefit from the treatment that is made possible by their detention.

Secondly, the Bill shows how we will give patients more control over their care and treatment. It will ensure that, in most cases, clinicians can administer compulsory treatment only if there is a strong reason to do so. In future, all patients formally detained under the Act will have a statutory right to a care and treatment plan, drawn up between the patient and their clinician, and personalised based on the patient's needs. It will give them a clear road map to their discharge from hospital.

There are some cases when patients are not able to make decisions about their own care or feel that they could benefit from greater support. Currently, patients are not always able to choose who can represent them, as their nearest relative automatically qualifies to act on their behalf. The Bill will change that, allowing patients to choose a nominated person who they believe is best placed to look after their interests. The Bill will also increase the powers of that nominated person, so that they can be consulted about the patient's future care.

Thirdly, the Bill will tackle the disparities in how the 1983 Act is used. Black people are four times more likely to be detained under the Act than white people, and 10 times more likely to be placed on a community treatment order. The Bill provides for greater scrutiny of decision making, including through greater use of second opinions on important decisions, and through expanded access to independent tribunals; that will help us to address the disparities in the use of the Act.

Fourthly, the Bill will enhance support for patients with severe mental health needs who come into contact with the criminal justice system. Under the 1983 Act, too often, people in prison experience delays in getting treatment in hospital. Courts are sometimes forced to divert defendants who require care and treatment, some of whom have not been convicted, to prison as a so-called place of safety. The Bill will make crucial improvements so that vulnerable offenders and those awaiting trial can access the treatment that they need. It will tackle delays and speed up access to specialist care by introducing a new statutory 28-day time limit for transfers from prison to hospital, and it will end the use of prison as a so-called place of safety, so that patients can get the care that they need in the appropriate hospital setting.

The Bill will also amend the Bail Act 1976 so that courts are no longer forced to deny a defendant bail if the judge's sole concern about granting bail has to do with the defendant's mental health. The Bill will allow the judge to send them to hospital instead, so that they can be in the best environment for their mental health and can receive any treatment that they need.

Finally, the Bill will improve the way that people with a learning disability and autistic people are treated under the 1983 Act. One of my priorities in my role is personalised care. The current blanket approach cannot be allowed to continue; it means that too many autistic people and people with a learning disability are admitted into institutional settings when they would be better served by being in the community. The Bill will change this. It limits the scope for detaining people with learning disabilities and autistic people for treatment unless they have a mental illness that justifies a longer stay or they

are admitted through the criminal justice system. It also gives commissioners of local authorities and integrated care boards new duties to make sure that the right community support is available instead.

I look forward to working with hon. Members in all parts of the House as we take these plans forward. This momentous Bill deals with one of the most serious and sombre responsibilities of any Government: their responsibility for the power to deprive people of their liberty. Mental ill health can impact any of us at any time. It is essential that we all have confidence that the system will treat us and our loved ones with dignity and compassion. That is what the Bill will deliver. I commend the statement to the House.

3.43 pm

**Dr Rosena Allin-Khan** (Tooting) (Lab): I thank the Secretary of State for an advance copy of the statement, and for sharing his family's experiences over the weekend. I am so sorry to hear about the circumstances surrounding his brother's tragic death.

This overhaul of the Mental Health Act 1983 is long awaited. We welcome the draft Bill, and the fact that the Government have accepted the majority of the recommendations from Sir Simon Wessely's independent review of the Act. It was interesting to hear, in the statement, of the Government's focus on keeping people in crisis out of A&E, and of their plans to reduce the use of general ambulance call-outs for those experiencing a mental health crisis. In 2020, there were over 470,000 calls to 999 because someone was in a mental health crisis, which took up an estimated 66,000 hours of call time. In my email inbox, I have numerous examples from across the country of children being stuck in A&E for over 24 hours waiting for a mental health bed. One child waited over three days. When I work shifts in A&E, I see more and more people coming into hospital in crisis. The increased frequency is deeply concerning. Conditions are getting worse and illnesses are going untreated. We would not allow that in cancer treatment, so why is it allowed in mental health treatment?

Deprivation of liberty and the use of coercion can cause lasting trauma and distress. That is especially true for children and young people who find themselves in these most difficult situations and whose voices are often not heard when decisions are made. We are pleased that patients will have greater autonomy over their treatment in a mental health crisis, and we are glad that the Government have been working with organisations to listen to the experiences of those with learning disabilities or autism, but will the Secretary of State explain what safeguards will be put in place for people with learning disabilities or autism should the worst happen and they find themselves in prison? This is not a straightforward issue. Many people with learning disabilities or autism also live with serious mental illnesses, and we have to make sure that they have their rights protected and have dignity in their treatment.

In our communities, we witness the harsh reality of the health inequalities that so desperately need to be addressed. As the Secretary of State said, black people are over four times more likely to be detained under the Mental Health Act.

**Kim Johnson** (Liverpool, Riverside) (Lab): Will my good friend give way?

**Mr Speaker:** Order. The shadow Minister cannot give way; this is a statement.

**Dr Allin-Khan:** We need to advance the mental health equality framework and there must be culturally appropriate services and the freedom for local areas to look at their specific populations in order to have the most suitable approaches. Culturally appropriate community provision is vital for mental health services that are truly joined-up and effective and that, crucially, work well for patients. Will the Secretary of State also provide reassurances on the future of community care and on how they will work with local authorities across the country to deliver community provision that works?

Mental health staffing levels are absolutely crucial to ensuring that mental health services are fit for purpose. More than a year and a half ago, I asked the Secretary of State's predecessor about the future of mental health staffing. The proposals that have been set out today go well beyond what has been committed to in the long-term plan. Labour has a plan: to recruit an extra 8,500 mental health staff to treat 1 million additional patients a year by the end of our first term in office. Will the Secretary of State outline when we will get the workforce settlement? What reassurance can he give on filling training places?

For too long, the Government have had their head in the sand when it comes to mental health. They have failed on eradicating dormitories from mental health facilities, failed on cracking down on the use of restraint, and failed on getting on top of waiting times. We cannot have this kicked into the long grass and, if it gets lost in the political quagmire of Conservative in-fighting, should the Government call an early general election, people will suffer. We cannot have the Government fail on mental health legislation any longer. This is a once-in-a-generation opportunity; we simply must get this right for everyone who depends on these vital services.

**Sajid Javid:** I thank the hon. Lady, particularly for her remarks at the start of her response about my personal experience.

I think the hon. Lady agrees with me, as does everyone in this House, that the 1983 Act is outdated. Society has learned since then, rightly, that people's mental and emotional wellbeing is as important as their physical wellbeing. That was recognised in the Health and Care Act 2022, which came before Parliament recently, and this draft Bill does a lot to change the situation as well.

The hon. Lady talked, rightly, about the importance of mental health services. The NHS is putting record funding into NHS services. Some 1.25 million people were seen through the NHS talking therapies service, despite the pressures of the pandemic, and an additional £500 million of resources was put into mental health services because of the pandemic.

On the workforce, today in the NHS, we have around 129,000 health professionals focused on mental health. That is the highest number ever, and the number has gone up by some 20,000 since March 2016. As for the NHS's strategic workforce plan—the 15-year plan on which it is currently working—having the correct provision for mental health will, of course, be a very important part of that.

**Mrs Theresa May** (Maidenhead) (Con): I commend my right hon. Friend for his statement and thank him for his kind comments. I also join the Opposition Front

[Mrs Theresa May]

Bencher, the hon. Member for Tooting (Dr Allin-Khan), in commending him for sharing his family's experience. It shows that this is not just a piece of legislation from a Secretary of State; it comes from somebody who understands the issue.

I welcome the publication of the draft Mental Health Bill. While it is necessary for it to be given proper scrutiny, does my right hon. Friend join me in believing that we need to get these new provisions on the statute book as quickly as possible, to ensure that all those who are going through a mental health crisis can indeed be treated with the dignity and compassion that they deserve?

**Sajid Javid:** Let me thank my right hon. Friend again for the crucial role that she has played in getting the House to this point today with the publication of the draft Bill. It was her commitment to giving mental health parity with physical health that has led us to this important point. I agree absolutely with her. The draft Bill is before the House today. No doubt there will be prelegislative scrutiny, which I strongly welcome, to have the Bill ready as quickly as possible for First Reading in this House and to make sure that it becomes legislation as quickly as possible.

**Janet Daby** (Lewisham East) (Lab): I welcome this statement from the Government, but I am concerned about constituents who have a mental health crisis and present at A&E departments. Because of long waiting times, they are usually unable to wait to be seen by a psychiatrist. Can the Secretary of State say how that will be addressed in the Mental Health Bill to make sure that people get the urgent treatment they need when they present at A&E departments?

**Sajid Javid:** The hon. Lady is right to raise the matter. I can tell her—helpfully, I hope—that the Bill is not that important in terms of getting what she wants to see, which is more care for people when they present themselves at A&E with mental health challenges. That is work that is already prioritised with the NHS. During the pandemic, as she and other hon. Members will understand, there were increased issues around mental health and people not getting care in the normal way; that is why we have put record resources into the NHS, including into A&E provision of mental health services.

**Mr Speaker:** I call the Chair of the Health and Social Care Committee.

**Jeremy Hunt** (South West Surrey) (Con): I commend my right hon. Friend's courage in talking about his family's tragedy, which is one of the most difficult things to do in politics. I also thank my right hon. Friend the Member for Maidenhead (Mrs May) for her commitment to mental health, which is unparalleled among any Prime Minister I have known in this place; it made an enormous difference to me when I was Health Secretary.

I support wholeheartedly what the Health Secretary has said today. I hope that he does not mind my saying that in one instance it does not go far enough: there are still 2,000 people with autism and learning disabilities in secure institutions, effectively incarcerated, even though they would be better off in the community. It is a

human rights scandal. As part of the remedy, would he consider changing the rules on sectioning so that, after a short period, anyone who wanted to keep someone in a secure unit would have to reapply for sectioning every week or two, so pressure is put on the system to find a better solution?

**Sajid Javid:** We are determined to reduce the number of people with learning disabilities and autism who are in mental health hospitals. As part of those plans, we will shortly publish the cross-Government "Building the right support" plan to drive progress; I will have more to say about that shortly. I listened carefully to my right hon. Friend's suggestion and would be happy to meet him to discuss it further.

**Daisy Cooper** (St Albans) (LD): I was incredibly moved to learn of the Secretary of State's personal experience with this issue. I commend his courage in talking about a deeply personal issue.

In his statement, the Secretary of State outlined that patients will be able

"to choose a nominated person who they believe is best placed to look after their interests."

Could he outline what rights that nominated person might have? I have a particular issue in my constituency: somebody has been moved from one part of the country to another, but their next of kin was not asked for permission and only found out after the event. I think that it is incredibly important not only that there is a nominated person, but that that person has outlined rights that can be enforced in these situations.

**Sajid Javid:** I am pleased that the hon. Lady welcomes the change that will come about through the Bill. The draft version has only just been published, and I appreciate that she will need time to digest it, but it does explain how the nominated person—who does not have to be a family member, but can be anyone whom the individual chooses and trusts—will be able to co-produce the treatment plan for that individual and work with him or her very closely.

**Robert Halfon** (Harlow) (Con): Will my right hon. Friend look at a book published this week by Liz Cole and Molly Kingsley of the UsForThem parents group, which discusses the damage to children's mental health during lockdown? We know that the number of referrals has increased by 60%, and that eating disorders among young girls rose by 400% during lockdown. Will my right hon. Friend set out measures to help children with their mental health? Given the damage that social media companies do to children's mental health, will he consider a social media levy to raise money to fund mental health resilience, and will he also consider introducing a longer school day with extra sporting and wellbeing activities to help those children further?

**Sajid Javid:** My right hon. Friend has made the important point that children need full mental health support in normal times, but need it particularly when experiencing the impact of a pandemic. I will take a look at the book that he mentioned. Levies, as he will know, are a matter for the Treasury, but I am sure that he welcomes some of the measures in the Online Safety Bill. I should be happy to meet him and discuss some of his other proposals further.

**Clive Lewis** (Norwich South) (Lab): I think the whole House will welcome many of the changes that the Bill represents. I especially welcome the section on black mental health and on the situation of people who are being incarcerated in the mental health system, but many of my constituents have suffered the effects of eight years of systemic and catastrophic failure on the part of their mental health trusts. What provisions in the Bill will make a difference to them following nearly 1,000 excess deaths in our mental health trusts? I know that he has committed himself to meeting me to talk about this, but will he also commit himself to meeting many of the victims of those eight years of failure who will be coming to Parliament next Tuesday to discuss what has happened to them? Perhaps he will be able to tell them how the Bill will turn their lives around and make a difference to them and their families.

**Sajid Javid:** I hope the hon. Gentleman agrees with me—as I think he does, given the way in which he framed his question—that the Bill is a huge step forward, especially in respect of the important issue of dealing with some of the inequalities in provision which we all know have existed, and which he mentioned at the beginning of his question. The way in which we change things will be not just through the Bill but through continued investment, and by ensuring that, when trusts are failing, those failures are addressed. As the hon. Gentleman said, I will be meeting him, but the Minister for Care and Mental Health will be happy to meet the constituents he mentioned.

**Jonathan Gullis** (Stoke-on-Trent North) (Con): I commend the statement, and I commend my right hon. Friend's bravery in sharing that story. After speaking to friends, I decided to share my own story: twice I attempted to take my own life. Thankfully I did not succeed, but when I needed help, I was lucky enough to be able to get that help. Sadly, that is not the case for too many people throughout our United Kingdom, at a time when 40% of GP appointments are related specifically to mental health.

As my right hon. Friend will know, I am supporting the No Time to Wait campaign, led by my good friend James Starkie, who is trying to ensure that there is a mental health nurse in every GP surgery in the country to help with the early intervention that we know is so critical. There is a great example in Norfolk and Suffolk NHS Foundation Trust, led by Lisa Dymond. Will my right hon. Friend, in the course of his work on this draft legislation, engage with that trust to see the work that it is doing to ensure that we can provide the access that people so desperately need?

**Sajid Javid:** May I first commend my hon. Friend for sharing his story and for being so open about it? There is no doubt that that will help a great many other people. I am sure he will welcome the Government's plans for a new 10-year suicide prevention plan. I agree with him about the need to continue to work on improving provision, and I believe I will be having a meeting with him and Mr Starkie to discuss his campaign further.

**Chris Bryant** (Rhondda) (Lab): I warmly commend what the Secretary of State said over the weekend. Many of us have experienced suicide in our own families, and it is good when people like him can share their experience; I think it helps an awful lot of people around the country.

Can I ask the Secretary of State about brain injury, which he knows I am a bit obsessed with? I visited three units—in Newcastle, Birmingham and Sheffield—the week before last. The big problem is that people are being given what is called a neurorehabilitation prescription, which is very similar to what he has described, but unfortunately, the moment they leave the trauma unit, the services that they require simply are not available in vast parts of the country. There are not enough occupational therapists, speech and language therapists, physiotherapists or psychiatrists to do that work.

The most distressing thing I heard was at the Birmingham Children's Hospital—it does not have a hydrotherapy pool, which would be useful; nor does any other children's hospital in the UK—which saw a 70% increase in brain injuries in children during covid from parents attacking their children. How are we going to get the workforce we need in order to make a difference to those people's lives?

**Sajid Javid:** The hon. Gentleman will know that the investment already going into the workforce is at record levels. As the NHS sets out its 15-year workforce strategy, it will look into acquired brain injury, and rightly so. I thank him for the work he is doing with the Minister for Care and Mental Health, my hon. Friend the Member for Chichester (Gillian Keegan), on the ABI strategy. I understand that the call for evidence has just closed. That process will also help to bring about the change that he seeks.

**Sally-Ann Hart** (Hastings and Rye) (Con): I met some amazing young people from my constituency last week during the "It's our Care" lobby of Parliament, and one issue they raised was mental health among looked-after children. What steps is my right hon. Friend taking to ensure that the mental health needs of looked-after children are taken into account, so that they, too, can thrive?

**Sajid Javid:** My hon. Friend raises an important issue. We have increased to a record level resources for mental health services for children, including looked-after children, but we need to ensure that the strategy is fit for the future. This will be a key part of our 10-year mental health strategy.

**Charlotte Nichols** (Warrington North) (Lab): Global research into psilocybin has shown that it has significant potential for the treatment of mental health conditions, including depression, post-traumatic stress disorder, anorexia and alcohol addiction. However, its schedule 1 status under the Misuse of Drugs Regulations 2001 is hindering research in the UK and condemning thousands of people to unnecessary suffering. The organisation Heroic Hearts, which supports military and emergency services veterans with PTSD, has to facilitate patients' travel abroad to access treatment that they should be able to receive here, where appropriate. Can the Secretary of State please tell the House what conversations he has had, or intends to have, with the Home Office about the rescheduling of psilocybin to ensure that this vital area of mental health research can be progressed and treatment can be brought into the 21st century with this Bill?

**Sajid Javid:** The hon. Lady has raised an important issue. As she has said, rescheduling is an issue for the Home Office, and I will make sure that I take this up with the Home Secretary.

**Huw Merriman** (Bexhill and Battle) (Con): I chair the all-party parliamentary group on autism, a role I took on after we lost Dame Cheryl Gillan. From her position in this place, she was tireless in highlighting the fact that there is a difference between those who suffer lifelong development disabilities such as autism and those who have mental health conditions, although it is fair to say that those with autism suffer with a higher proportion of mental health conditions. As things stand, 61% of those in mental health hospitals have autism as a condition—that is 1,200 people—and the figure used to be 38%.

I welcome the Secretary of State's draft mental health Bill. Will he meet members of the all-party parliamentary group to discuss what the Bill will do for those with autism? Can I also parrot the call from the Chair of the Select Committee, my right hon. Friend the Member for South West Surrey (Jeremy Hunt), about the need to review the sectioning of those in mental health provision? There are far too many people languishing, and they need our help.

**Sajid Javid:** I agree with my hon. Friend. The reforms that we have set out today in this draft Bill mean that, in the absence of a mental health condition, learning disability and autism will no longer be a reason for people to be detained in a mental health hospital after an initial period of assessment. I would be happy to meet him and his APPG.

**Marsha De Cordova** (Battersea) (Lab): I am disappointed that, yet again, the Department has not produced all the papers for me in large print; it has produced all the papers in standard print. I hope the Secretary of State will take that away and ensure I receive my papers as soon as possible.

I am sure the Secretary of State will share my disappointment that, in England, 24% of all children's mental health referrals are closed before the child receives any support. In my Adjournment debate last week, I highlighted the importance of children's mental health services and trauma support and care, so will he reassure the House and me that he will do everything in his power to make sure children receive timely mental health support?

**Sajid Javid:** Of course the hon. Lady should get the Bill and any other documentation she needs in large print, and I am sorry that she has not. I will take that up. I apologise to her, and she makes a very important point.

Support for children, even before the pandemic, was rightly a priority. Funding will increase to record levels by 2023, with an additional £2.3 billion in total so that an additional 345,000 children and young people can be seen. We put in an additional £79 million during the pandemic, and we will set out in our new 10-year mental health strategy exactly how we will do more.

**Robbie Moore** (Keighley) (Con): I commend the Secretary of State for bringing forward this draft Mental Health Bill. I have met key individuals across Keighley in recent months who provide mental health and wellbeing support and advice, including Nick Smith, Ryan Anderton, Bill Graham and one of our hard-working GPs, Caroline Rayment. They are all passionate about this subject,

and I am sure they will be pleased to see greater autonomy in providing personalised care. A key issue they have raised with me is that of adults and children with learning difficulties. Can my right hon. Friend confirm that the Bill will help those with learning difficulties to engage further with mental health and wellbeing services?

**Sajid Javid:** Yes, it will. I set out in my earlier answers some of the Bill's changes for those with learning difficulties and autism. I think my hon. Friend will also welcome the publication of the new 10-year mental health plan.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): The Secretary of State may recall that I am very much involved with the Autism Commission, and I hope he has seen our recent report on autism's lifelong impact on families. I support everything he has said this afternoon, except one thing. We need a deep cultural change in this area, whether it is GPs understanding more and having more proficiency, or teachers and schools recognising early signs of difficulty and struggle. If we believe in levelling up, why do only wealthy people get easy access to therapy? As I found when I chaired the Education Committee, we need more therapists and more therapy to be available.

**Sajid Javid:** I agree with the hon. Gentleman about cultural change. Whether we are talking about teachers or healthcare professionals, we need to make sure they have a certain level of training on autism. I am sure he knows the NHS has started rolling out a type of mandatory training on autism, and I would be happy to meet him to discuss how we can go further in the light of that report.

**Duncan Baker** (North Norfolk) (Con): This is an enormously welcome Bill, not least in my constituency, where I have campaigned endlessly for better mental health services and for a hub at our wonderful Cromer Hospital. As Norfolk has the slowest ambulance response times and the most mental health referrals in the UK, how can we access the £7 million-worth of specialist mental health ambulance services?

**Sajid Javid:** First, I commend my hon. Friend on the work he has done. I remember meeting him to discuss this important issue, and I welcome his support for the Bill. He may know that the extra support of around £150 million announced today includes £7 million of support for mental health ambulances.

**Kerry McCarthy** (Bristol East) (Lab): Clause 31 states that transfers from prison to hospital should take place within 28 days of a referral notice, "unless there are exceptional circumstances", and makes it very clear that those exceptional circumstances do not include a shortage of staff or beds. That is welcome, but at the moment about 50% of prisoners who are assessed as needing transfer to hospital are not transferred because the beds are not available. What can the Secretary of State do to make sure that that is not an issue by the time the Bill becomes law?

**Sajid Javid:** The NHS is already preparing for this change. Of course, this is not law yet and we can make progress before it becomes law, but I believe that once it

does become law, subject to the will of this House, it will galvanise more parts of the NHS to make sure that that commitment is met at all times.

**Tom Hunt** (Ipswich) (Con): I very much welcome the Bill's focus on autism and special educational needs. Having a learning disability often means that your brain is wired a bit differently, and often you feel like you are not understood, and that can contribute to mental ill health. On Norfolk and Suffolk mental health trust, we have been languishing for seven years and that has led to hundreds of people losing their lives. Will the Secretary of State assure me that this Bill will be part of ensuring that never again will we let failure last so long and the cost be so high?

**Sajid Javid:** I can give my hon. Friend that assurance. Sadly, we have instances around the country where certain trusts have failed local people when it comes to mental health. He mentions Norfolk and Suffolk. We need to do better. This Bill and the resources behind it will make the difference.

**Mrs Paulette Hamilton** (Birmingham, Erdington) (Lab): Through my role as a lay manager for Birmingham and Solihull mental health trust, I know that a major problem in the west midlands is the availability of beds for individuals detained by the police under section 136 of the Mental Health Act 1983. This is having a huge impact on A&E services in our area, because that is where the police take patients if there are no mental health beds available. How does the Secretary of State plan to improve bed availability for mental health patients?

**Sajid Javid:** I know that the hon. Lady speaks with experience, and I listen carefully to her when she speaks on these important issues. She may have seen the announcement earlier today that the additional support of around £150 million will go towards addressing her exact point about more provision, including crisis houses and sanctuaries—I also mentioned mental health ambulances earlier—and I think that will help.

**Mr Richard Holden** (North West Durham) (Con): This is an enormously welcome Bill on an issue on which I have campaigned and spoken to the Secretary of State about previously. North West Durham has an historic and ongoing issue, with suicide rates at double the national average. I commend him for speaking about his personal situation, and I look forward to the 10-year mental health plan and the 10-year suicide prevention plan. Will he outline how the Bill will reform the totally outdated Mental Health Act; how it will make a particular difference to those with serious mental health issues in my constituency, including children with anorexia issues whose parents have brought them to see me recently; and how it will deliver for people and their families as they go through really difficult treatment, making it more personalised for them?

**Sajid Javid:** I commend my hon. Friend on all the campaigning he has done on mental health and suicide prevention ever since he entered the House. The meetings I have had with him have gone directly into the publication of this Bill. The Bill will make a difference. I have summarised how it will result in more personalised care. Alongside the new resources, it will really help his constituents and many others.

**Rachael Maskell** (York Central) (Lab/Co-op): I welcome the Bill. The acuteness of people's mental health challenges while in the community is escalating before appropriate intervention is taken. How will the Bill ensure that earlier interventions are made, so that people do not have to go into secure accommodation for their safety?

**Sajid Javid:** Once the Bill is law, it will require the use of secure accommodation to be limited to those who absolutely need to be detained, either for their protection or for the protection of others. Alongside the Bill, we need to make sure that the right resources are there. I mentioned earlier the extra resources that are going in, to a record level, including today's announcement of the £150 million.

**Liz Twist** (Blaydon) (Lab): I, too, thank the Secretary of State for sharing his personal experience, which it is so important to do. Will he tell me how he will match up the welcome provisions in the Bill with the need to ensure that action is taken? How will the resources match the responsibilities in the Bill?

**Sajid Javid:** When it comes to resources for mental health, we have not been waiting for the Bill. Although the Bill is an important part of ensuring that people get the right treatment, the commitment to resources began with the NHS's long-term plan, which means that an additional £2.3 billion a year will be going into mental health services by 2023-24. Alongside that, an additional £500 million at least has gone in to support people with mental health needs because of the pandemic.

**Rachel Hopkins** (Luton South) (Lab): I refer to my entry in the Register of Members' Financial Interests, as a vice-president of the Local Government Association.

Far too many people are sent to mental health and learning disability placements out of their area. In April 2021, the Government committed to end the practice, but in March 2022 some 670 people were in out-of-area placements and, most concerningly, 50 of them were more than 300 km away from their homes. When will the Government meet their target and end out-of-area placements? What discussions has the Secretary of State had with the Secretary of State for Levelling Up, Housing and Communities about the issue of commissioning?

**Sajid Javid:** This is a very important issue on which the Government have been working with people across the sector, including in the NHS. We will shortly publish information on how we will build in the right support in the community plan.

**Olivia Blake** (Sheffield, Hallam) (Lab): I am afraid we are overseeing a scandal brewing in compulsory treatment as a result of covid. Because of the lack of available tier 4 beds, children up and down the country are in medical wards, and we see unsettling reports of restraint being used to feed them even though, when they get to see a mental health professional, they should not be force fed. I am conscious that the Secretary of State has answered a question about this already, but will the Government commit to starting to record restraint for feeding, no matter where patients are in the system and including in medical wards?

**Sajid Javid:** We of course want to ensure that children with mental health challenges, including eating disorders, get the support that they need. That is why during the pandemic—just last year—we put in an additional £79 million specifically for children’s mental health services. That is providing many thousands more children with that support.

**Florence Eshalomi** (Vauxhall) (Lab/Co-op): The Bill’s focus is on individuals who are sectioned under the Mental Health Act, which is important, but I refer the Secretary of State back to the issue of waiting times raised by many Members. In December, I spoke to my constituent who was concerned about the welfare of his child who suffers from an eating disorder. At every stage, it has impacted his mental health. Despite the local services, this child is still waiting, six months on, just to see a specialist. The limited staff available cannot cope. What is the Secretary of State doing now to address the issue so that we do not see more young people suffer?

**Sajid Javid:** We are putting in record amounts of new investment, with newer services. During the pandemic, we established for the first time a national 24/7 all-age mental health helpline. I would like to make that permanent, beyond the pandemic. When it comes to NHS talking therapies, I mentioned earlier that some 1.25 million people were seen last year. We aim to get that up to 1.9 million over the next couple of years. When it comes to waiting times, the hon. Lady is right that there is a waiting time for high-intensity mental health services, and the NHS is of course working to bring that down. For low-intensity mental health services we have managed to bring the median waiting time down to 14 days nationally.

**Jim Shannon** (Strangford) (DUP): I thank the Secretary of State for his clear commitment to make things better. We are most grateful for that. I wholeheartedly welcome the strategy in his statement on mental health, but I am of the belief that the lockdown has impacted and exacerbated mental health issues in each corner of this great United Kingdom of Great Britain and Northern Ireland.

With that being the case, can the Secretary of State tell me what discussions have taken place with the relevant Minister in the Northern Ireland Assembly? Furthermore, the Secretary of State said that £2.3 billion had previously been allocated for this. How much will come to Northern Ireland through the Barnett consequentials, taking into account the fact that Northern Ireland has the largest percentage of mental health disorders in the United Kingdom and is in need of similar radical reform and, indeed, additional funding as well?

**Sajid Javid:** Much of the work that has gone into the publication of this draft Bill, such as that carried out by Sir Simon as well as the work that went into the White Paper, would apply equally to Northern Ireland. We stand ready to work with our friends in Northern Ireland to help them if they wish to go down a similar route. I can also confirm that the Barnett consequentials for the £2.3 billion would have gone to Northern Ireland.

## Points of Order

4.20 pm

**Dame Diana Johnson** (Kingston upon Hull North) (Lab): On a point of order, Madam Deputy Speaker. You will no doubt be aware of the judgment of the Supreme Court in America on the case of *Roe v. Wade* at the end of last week, which put women’s reproductive rights back 50 years by removing the constitutional right to access abortion services. Given the leadership that the United States plays in the world and the fact that the right-wing American groups and media will now feel fully emboldened to campaign for the rolling back of women’s rights in the United Kingdom, have you had any indication or notification from the Government of a statement that will be made to this House about the human rights of women in the United States, in the United Kingdom and, indeed, around the world, and, if not, how can we put it on the record that we are very concerned about what has happened in the United States?

**Madam Deputy Speaker (Dame Rosie Winterton):** I thank the right hon. Lady for her point of order. I have not received any notification that the Government are intending to make a statement on this, and I do not believe that the Speaker’s Office has either. However, I am sure the Treasury Bench will have heard her comment. Obviously, she has also put on record her concern about this issue.

**Chris Bryant** (Rhondda) (Lab): On a point of order, Madam Deputy Speaker. I apologise: there are three parts to this.

On 23 May, I raised a point of order about the failure of the Department for Business, Energy and Industrial Strategy to respond to my correspondence on behalf of my constituent, Mr Brian Price of Treorchy, since I first wrote to the Government on 25 November 2020—not 2021. Eight letters, one parliamentary question and a point of order later, and a month after that, guess what? Still no reply. What can I do?

Likewise, I wrote to the Foreign Secretary making a formal subject access request to the Foreign, Commonwealth and Development Office on 8 March of this year. I was told that I would get a formal response within a calendar month. On 20 April, the FCDO wrote to give a new date to respond—20 June. Guess what, Madam Deputy Speaker? Last week, I received this reply:

“We cannot at this stage give you a definitive date of when we will be able to issue our reply.”

But the law requires answers to subject access requests within a calendar month. What can I do?

So far, this month, we have had 42 passport cases in my constituency—and that is just this month—and 16 new passport cases today. My constituents ring and ring and ring, but they get no answer. When my staff ring on their behalf, they often get an answer on the phone, but, again, there is no substantive answer at the end of all of that. What can I do?

**Madam Deputy Speaker:** I thank the hon. Gentleman for his point of order and for giving notice of it. Obviously, it is extremely important that Members receive timely answers to their questions. I notice that he referred

to the FCDO. The Foreign Secretary is in her place, so I am sure that she will have heard his point and will perhaps make some inquiries as to whether the answer might be forthcoming.

In a more general way, I am sure the Whip is writing down as we speak the fact that the hon. Gentleman has raised this point of order about receiving answers to questions. In addition, the hon. Gentleman may like to approach the Procedure Committee, which I understand keeps statistics on the problems that may arise with the answering of questions and publishes a report on them. That may be another route he could take. He knows very well that he could also raise the matter at business questions. I understand his frustration and I reiterate, as I know Mr Speaker would want me to, that it is important that Members get answers to their questions.

**Christian Wakeford** (Bury South) (Lab): On a point of order, Madam Deputy Speaker, on Thursday 23 June the Under-Secretary of State for the Home Department, the hon. Member for Redditch (Rachel Maclean) claimed that,

“the Government has legislated to prevent fire and rehire”.

To my knowledge, the Government have not voted to pass any legislation to prevent fire and rehire since the Bill introduced by my hon. Friend the Member for Brent North (Barry Gardiner) last year. Can the Chair direct me on how I can best go about correcting the record?

**Madam Deputy Speaker (Dame Rosie Winterton):** Again, I am grateful to the hon. Gentleman for giving notice of his point of order. Of course it is not for the Chair to fact-check comments made by Members or Ministers, but if the Minister feels there has been any inaccuracy, there are ways for the record to be corrected. The hon. Gentleman has put his point on the record, and I am sure that that will be fed back from the Treasury Bench.

## BILL PRESENTED

### HOUSE OF LORDS (ELECTED SENATE) BILL

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

Paul Maynard, supported by John Stevenson, presented a Bill to replace the House of Lords with an elected senate; and for connected purposes.

*Bill read the First time; to be read a Second time on Friday 9 September, and to be printed (Bill 119).*

## Northern Ireland Protocol Bill

### *Second Reading.*

**Madam Deputy Speaker (Dame Rosie Winterton):** I must inform the House that the reasoned amendments have not been selected. Before I ask the Foreign Secretary to move Second Reading, I reiterate how important it is for Members who wish to speak in the debate to be here at the beginning to hear all the opening speeches, to stay in the Chamber for the vast majority of the debate and certainly for the winding-up speeches, and to be there in good time. It is very discourteous not to follow those rules, especially on an important debate such as this.

4.28 pm

**The Secretary of State for Foreign, Commonwealth and Development Affairs (Elizabeth Truss):** I beg to move, That the Bill be now read a Second time.

We are taking this action to uphold the Belfast/Good Friday agreement, which has brought peace and political stability to Northern Ireland. The Northern Ireland protocol is undermining the function of the agreement and of power sharing. It has created fractures between east and west, diverted trade and meant that people in Northern Ireland are treated differently from people in Great Britain. It has weakened their economic rights. That has created a sense that parity of esteem between different parts of the community, an essential part of the agreement, has been damaged.

The Bill will address those political challenges and fix the practical problems the protocol has created. It avoids a hard border and protects the integrity of the UK and the European Union single market. It is necessary because the growing issues in Northern Ireland, including on tax and customs, are baked into the protocol itself. Our preference remains a negotiated solution, and the Bill contains a provision that allows for negotiated agreement, but the EU has ruled out up-front making changes to the text of the protocol.

**John Redwood** (Wokingham) (Con): I congratulate the Foreign Secretary on her very patient and good diplomacy. Will she confirm that this very moderate measure is completely legal and essential to the peace and good will of Northern Ireland?

**Elizabeth Truss:** I can absolutely confirm that this Bill is both necessary and legal, and the Government have published a legal statement setting that out.

**Caroline Lucas** (Brighton, Pavilion) (Green) *rose*—

**Elizabeth Truss:** I will make a bit more progress and then allow some further interventions.

We continue to raise the issues of concern with our European partners, but we simply cannot allow this situation to drift. Northern Ireland has been without a devolved Government since February due specifically to the protocol, at a time of major global economic challenges. Therefore, it is the duty of this Government to act now to enable a plan for restored local government to begin. It is both legal and necessary.

This Bill fixes the specific problems that have been caused in Northern Ireland while maintaining those parts of the protocol that are working. It fixes problems

[Elizabeth Truss]

in four areas: customs and sanitary and phytosanitary; a dual regulatory model; subsidy control and VAT; and governance. On customs and SPS, the Bill creates a green and red lane system. All those trading into Northern Ireland will be part of a trusted trader scheme. Goods destined for Northern Ireland will not face customs bureaucracy. Goods for the Republic of Ireland and the EU will go through four EU-style border procedures. All data from both the green and red lanes will be shared with the EU in real time as the goods depart from Great Britain. This means that the EU will have this data before the goods arrive in Northern Ireland, ensuring that the EU single market is protected.

**Jim Shannon** (Strangford) (DUP): I thank the Secretary of State for bringing this forward and for her comprehensive understanding of the position of many people in Northern Ireland. As someone who has had businesses contacting me for those who have openly stated that they are from a nationalist tradition and yet feel afraid to voice complaints to their own MP for fear of reprisals, I speak with confidence in assuring the Secretary of State that Northern Ireland as a whole needs this Bill not simply for cultural identity, which is imperative, but for financial viability for small businesses due to the effects of the EU's vindictive approach to block VAT and state aid. This Bill really is long overdue.

**Madam Deputy Speaker (Dame Rosie Winterton)**: Order. Interventions should be fairly brief because we have a lot of people wanting to speak in this debate.

**Elizabeth Truss**: I was talking about the data that we are sharing with the EU. I am pleased to say that we already have this system in place. We are giving demonstrations to businesses and the EU to show how it works, and I am happy to make those demonstrations available to Members of Parliament as well. Any trader violating the lanes will face penalties and would face ejection from the scheme.

**Mr Andrew Mitchell** (Sutton Coldfield) (Con): I have an immense amount of sympathy with what the Foreign Secretary is saying, and it does seem to me as though the EU is not being particularly constructive in trying to get the solution that we all want to see. But many of us are extremely concerned that the Bill brazenly breaks a solemn international treaty, trashes our international reputation, threatens a trade war at a time when our economy is flat, and puts us at odds with our most important ally. Can she say anything to reassure me in my anxieties on these points?

**Elizabeth Truss**: As I said at the outset, our preference is for a negotiated solution, and we have sought that for 18 months, but as recently as last weekend the EU has refused to change the text of the protocol. That is why there is strong legal justification, as set out in our legal statement, for us taking this action. Our priority, as the United Kingdom Government, has to be political stability within our own country. While we put this Bill through Parliament, we will continue to seek a negotiated solution with the EU, and there are provisions in the Bill to deliver that. I would strongly encourage my right hon. Friend to raise this with the EU directly and to encourage

a negotiated solution, because there is a solution to be achieved. We have laid it out very clearly with our red and green proposal, but we do need the EU to agree to change the text of the protocol. That is the fundamental issue that needs to be addressed.

**Joanna Cherry** (Edinburgh South West) (SNP): I am grateful to the Secretary of State for giving way. The Government's legal position prays in aid the international law doctrine of necessity, but the International Law Commission says that where a state has itself contributed to the situation of necessity, that doctrine cannot be prayed in aid. Given that the Prime Minister signed the withdrawal agreement, including the protocol, in the knowledge that it would give rise to precisely the difficulties of which the Government now complain—we debated it on the Floor of the House—does the Secretary of State not see that there is a pretty big hole in the legal advice she has been given?

**Elizabeth Truss**: We set out the case extremely clearly in the legal advice, and the doctrine of necessity has been used by other Governments in the past where there is a severe issue and the other party is unwilling to renegotiate that treaty. That is the position we are in with the Northern Ireland protocol. What I would ask the hon. and learned Lady and other Members on the Opposition Benches is this: given that the EU refuses to reopen the Northern Ireland protocol, and issues around customs and tax are specifically baked in, what is their solution for dealing with the real issues in Northern Ireland? We have looked at all the alternative solutions, and the only effective solution is this Northern Ireland Protocol Bill, in the absence of the EU being willing to negotiate a new protocol.

**Sir Bernard Jenkin** (Harwich and North Essex) (Con): My right hon. Friend could also point out that the protocol itself contains provisions for it to be changed, and the EU refuses to contemplate using those provisions. May I also point out that at the time we signed the protocol, we did not know the shape of the trade and co-operation agreement, and it was reasonable to expect the EU to give mutual recognition of products and standards, including SPS standards, as it has with New Zealand, for example? The EU refuses to give us those provisions. The problems in the protocol would be much less if the EU had given us a better trade deal.

**Elizabeth Truss**: My hon. Friend is absolutely right that the protocol is not set in stone. That is why for the past 18 months this Government have sought to achieve negotiated changes to the protocol. In the absence of the EU being willing to change the text, the only way to resolve this matter is for us to legislate.

**Several hon. Members** *rose*—

**Elizabeth Truss**: I am going to make more progress, and then I will take more interventions.

We fully understand and respect the legitimate concerns of the EU that the single market should be protected. Our solution does just that. The Bill will also establish a dual regulatory regime so that businesses can choose between meeting UK and EU standards. That removes the barriers to goods made to UK standards being sold in Northern Ireland and it cuts the processes that drive

up cost for business. It prevents unnecessary divergence between two parts of the UK internal market. Anybody who trades into the EU single market will still have to do so according to EU standards.

The Bill will also ensure that the Government can set UK-wide policies on subsidy control and VAT, overcoming constraints that have meant Northern Ireland has not benefited from the same support as the rest of the UK. For example, at present people in Northern Ireland are not able to benefit from the VAT cuts on solar panels that the Chancellor announced in the spring statement.

These are essential functions of any 21st-century state, but they are especially important in Northern Ireland, where the UK Government play an outsized role in the local economy. We will maintain the arrangements in the protocol on VAT, which support trade on the island of Ireland while ensuring that Northern Ireland can still benefit from the freedoms and flexibility available in Great Britain.

**Caroline Lucas:** Does the Secretary of State understand why so many people would accuse this Government of the most rank hypocrisy? First, this is a predictable outcome of the agreement that they negotiated when they did not give a fig for the situation in Northern Ireland, frankly. Secondly, if they were serious about negotiations, they could be using article 16. Thirdly, at the very same time that the Prime Minister is gladhanding G7 leaders in Bavaria and extolling the virtues of a rules-based international system, his own Government at home are riding a horse and coaches through a rules-based system. Does she understand the concerns we have? What kind of reputation will the UK have on the global stage as a result of this proposal?

**Elizabeth Truss:** As I have made clear, the Belfast/Good Friday agreement should have primacy. The fact is that it has been undermined over the past two years, as we can see from the fact that the institutions of Northern Ireland are not up and running. That is why the Government need to act, and we are doing so in a reasonable and legal way.

**Sir Robert Neill (Bromley and Chislehurst) (Con):** I entirely accept my right hon. Friend's desire to achieve a negotiated settlement if at all possible; I know how much work has gone into that. To return to the legal point, she will know that the application of the doctrine of necessity requires both the legal tests to be met and the evidential base to be there, because it is largely fact-specific to show whether those tests have been met. I know that the Government have been working hard to assemble that evidential base, but can she tell us when it will be available to the House so that we can form a judgment as to whether those legal tests are met and, therefore, proportionality and necessity are met? It would be helpful to have that before we come to a conclusion on the Bill.

**Elizabeth Truss:** I thank my hon. Friend for that point. There are clearly very severe issues in Northern Ireland, including the fact that its institutions are not up and running, which mean that the UK has to act and cannot allow the situation to drift. I do not think that we have heard what the Opposition's alternative would be, apart from simply hoping that the EU might suddenly negotiate or come up with a new outcome.

**Karin Smyth (Bristol South) (Lab):** Will the Secretary of State give way?

**Elizabeth Truss:** Perhaps the hon. Lady can give us an idea about her alternative plan.

**Karin Smyth:** Over the past six years, I have given several alternatives, including as a shadow Minister. The Secretary of State talks about the institutions. Can she give the House the details of the agreement she has secured from the political parties in Northern Ireland that they will return to Stormont on the completion of the Bill—or on the completion of Second Reading, at any point during the Committee stage, or on Third Reading? What in the Bill has secured that? What role is there for anybody in Northern Ireland, given that the powers go to the Minister of the Crown?

**Elizabeth Truss:** I note that the hon. Lady has not come up with any alternatives to the Bill to move the situation forward. The approach we have taken, with the four areas that I am talking through, is to identify what the practical problems are for the people of Northern Ireland and to come up with solutions that address those problems while protecting the EU single market. It is our expectation that the passage of the Bill will result in the institutions being re-established.

**Several hon. Members** *rose*—

**Elizabeth Truss:** I will make progress on talking through the elements of the Bill, but I will be happy to accept further interventions later.

The Bill will ensure that the Government can set UK-wide policies on subsidy control and VAT, which will overcome the constraints that have meant that Northern Ireland has not benefited from the same support as the rest of the UK, as I mentioned. It will also maintain the arrangements in the protocol on VAT that support trade on the island of Ireland, while ensuring that Northern Ireland can still benefit from the freedoms and flexibilities available in Great Britain.

The Bill will remove the role of the European Court where it is not appropriate, including its role as the final arbiter of disputes. That is in line with normal international dispute-resolution provisions, including in the trade and co-operation agreement. The Bill will also enable courts to seek an opinion from the European Court on legitimate questions of the interpretation of EU law, which will ensure that it can still be applied for the purposes of north-south trade.

The Belfast/Good Friday agreement is based on consent from both communities. All Unionist parties have cited the European Court as a main cause of major democratic deficit. Together with VAT and state aid rules, it causes Unionists to feel less connected and less part of the UK. This is not a hypothetical issue; the European Court has already become one of the most controversial elements of the protocol and threatens to disrupt everyday lives. The EU has brought infraction proceedings against the UK in five areas that cover issues such as parcels and transporting pets. To be absolutely clear, the Bill changes only the parts of the protocol that are causing the problems and undermining the three strands of the Belfast/Good Friday agreement.

**Chris Bryant** (Rhondda) (Lab): I have a very short question, which is simply this. The Foreign Secretary says the Bill is legal, but lots of people disagree with her, including lots of very eminent lawyers both in this country and elsewhere. Which body will arbitrate on the decision as to whether this Bill is legal?

**Elizabeth Truss:** We have published our Government legal statement, which clearly states the reasons why this Bill is legal and the necessity of pursuing this Bill. I return to my point about the lack of alternatives being proposed by the Opposition. We have exhausted all the other avenues, and this remains the course of action that is actually going to deliver for the people of Northern Ireland and re-establish the institutions.

**Aaron Bell** (Newcastle-under-Lyme) (Con): There is a lot of talk about international law, but can I take the Foreign Secretary to paragraph 3 of article 2 of the UN charter? It says:

“All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.”

That is incumbent on us and the EU, and the EU needs to engage with us and negotiate so that peace is not threatened.

**Elizabeth Truss:** My hon. Friend is right. It is very clear from the legal advice that one of the issues is that the EU will not change the text of the protocol even though, when the protocol was negotiated, it was very clear that it was not set in stone and should be subject to change because of the very unique situation in Northern Ireland.

We are very clear that there are elements of the protocol that are working and that we do want to maintain. We will maintain the conditions for north-south co-operation and trade, and uphold the common travel area. We will maintain the functioning of the single electricity market, which benefits both the Republic of Ireland and Northern Ireland.

The Bill provides specific powers to implement technical regulations as part of our solution, and today we launched a consultation with businesses to make sure that the way it is implemented works for the people of business in Northern Ireland. We will continue consulting with businesses and the EU over the coming weeks to make sure that the implementation works.

**Mr Mark Francois** (Rayleigh and Wickford) (Con): One of the fundamental purposes of this long-awaited Bill is to uphold the critical Good Friday agreement, which as the whole House knows completely underpins the maintenance of peace and political stability in Northern Ireland. That being the case, for those who follow this matter closely, including in the United States, will the Foreign Secretary confirm that one of the strongest advocates for action on this has been Lord Trimble, the Nobel laureate, who helped negotiate the Good Friday agreement in the first place?

**Elizabeth Truss:** My right hon. Friend is absolutely right. We all know how hard-won peace and political stability in Northern Ireland was, and we all know how important it is that the Belfast/Good Friday agreement is upheld and is not undermined. That is the discussion I have been having with colleagues in the United States and around the world, and those who have experienced

the situation in Northern Ireland fully understand how important it is that we act and that we cannot allow this situation to drift.

I know there are those across the House who want to give negotiation more time. The problem we face is that we have already been negotiating for 18 months. We have a negotiating partner that is refusing to change the text of the protocol. Meanwhile, we have a worsening situation in Northern Ireland. So it is firmly the view of this Government that we need to act. We are pursuing this legislation as all other options have been exhausted.

Our first choice was and remains renegotiating the protocol text with the EU. This is in line with the evolution of other treaties, which happens all the time. For example, both the EU and the UK are currently renegotiating changes to the energy charter treaty. Given the unique nature of Northern Ireland and the unprecedented nature of these arrangements, it was always likely that flexibility would be needed. In fact, that flexibility was explicitly acknowledged in the protocol itself, but despite the fact that we have been pursuing these renegotiations we have not seen the flexibility needed from the EU.

As recently as this weekend, the EU said it will not renegotiate the text of the protocol, and Members across the House will have seen that the EU put forward proposals last year and again a fortnight ago; it is worth pointing out that those proposals will leave the people and businesses of Northern Ireland worse off than the current standstill arrangements. Its proposals would make the situation on the ground worse, adding further to the tensions and stresses; goods going solely to Northern Ireland would still face customs paperwork and sanitary and phytosanitary certificates.

**Sally-Ann Hart** (Hastings and Rye) (Con): Does my right hon. Friend agree that this Bill is borne out of necessity: necessity to act in our national interest, to provide a permanent solution to a temporary measure, to preserve the Belfast agreement, and to preserve the constitutional settlement that keeps Northern Ireland as part of the UK? It is a necessity to prevent a democratic deficit and to use international law to safeguard and protect our essential interests while protecting those of the EU.

**Elizabeth Truss:** My hon. Friend is absolutely right. We still face a situation in which the EU has refused to change the text of the protocol, and its proposals do not even address many of the issues of concern—over governance, subsidies, manufactured goods and VAT. Without dealing with those very real issues for the people of Northern Ireland we are not going to see the balance of the Belfast Good Friday agreement restored, and we are not going to see the cross-community support we need to get the political institutions back up and running.

**Gavin Robinson** (Belfast East) (DUP): The Foreign Secretary knows that the three things that need to be resolved are the friction in trade; repairing the harm to our constitutional position within this country; and erasing the democratic deficit at the heart of the protocol. The Foreign Secretary has fairly outlined the myriad steps the Government have taken; if this Bill is required, they can have our support in resolving these issues, but

she will also hear a lot of opposition from Members of other parties on this side of the House. In hearing that opposition from colleagues sitting to my right and left, can she identify even one of them who advocated using article 16 or the provisions of the protocol, or have they simply no interest in trying to resolve the issues affecting the people of Northern Ireland today?

**Elizabeth Truss:** The hon. Gentleman makes a very good point. Those who advocate further negotiation with the EU need to persuade the EU to change its negotiating mandate so the text of the protocol can change, because we know that those specific issues, including on the customs bureaucracy and VAT, can only be addressed by addressing the text of the protocol itself.

I want to come on to the specific point the hon. Gentleman made about article 16. Of course we have looked at triggering article 16 to deal with this issue; however, we came to the conclusion that it would not resolve the fundamental issues in the protocol. It is only a temporary measure and it would only treat some of the symptoms without fixing the root cause of the problems, which are baked into the protocol text itself. It could also lead to attrition and litigation with the EU while not delivering sufficient change.

I want to be clear: we do not rule out using article 16 further down the line if the circumstances demand it, but in order to fix the very real problems in Northern Ireland and get the political institutions back up and running, the only solution that is effective and provides a comprehensive and durable solution is this Bill.

**Hilary Benn** (Leeds Central) (Lab): I suspect that when the Foreign Secretary was campaigning for Britain to remain in the European Union, she never in a million years thought she would be standing here proposing a Bill of this sort. In light of the comment she just made about article 16, why are the Government not proposing to use the legal method to raise these questions with the European Union through the treaty they signed, rather than claiming necessity? The Foreign Secretary has yet to give me a single example where the British Government have claimed necessity for abrogating a treaty they have negotiated and signed.

**Elizabeth Truss:** The reason why I am putting the Bill forward is that I am a patriot, and I am a democrat. Our No. 1 priority is protecting peace and political stability in Northern Ireland and protecting the Belfast/Good Friday agreement. Nothing that the right hon. Gentleman has suggested will achieve that end.

**Several hon. Members** *rose*—

**Elizabeth Truss:** I will finish off my remarks.

The only way for us to uphold the Belfast/Good Friday agreement and fix the problems in Northern Ireland is to pass this legislation. We have heard all kinds of complaining from the Opposition side about the solution that the Government are putting forward, but no alternative solution that will deliver.

I want to be clear that this is not my preferred choice, but, in the absence of a negotiated solution, we have no other choice. There is no need for the EU to react negatively. It will be no worse off as a result of the Bill. These issues are very small in the context of the single market, but they are critical for Northern Ireland.

**Simon Hoare** (North Dorset) (Con): The Foreign Secretary knows that I have grave concerns about her Bill, but may I ask her coolly to reflect on praying in aid patriotism as a defence of it? Is she seriously impugning the patriotism of colleagues across the House who have concerns about her Bill? I find that a false conflation.

**Elizabeth Truss:** I was directly responding to the point made by the right hon. Member for Leeds Central (Hilary Benn) about why I campaigned one way in the referendum and am now working to ensure that the Brexit negotiation that we achieved works for the people of Northern Ireland. That is because I believe in the Union of the United Kingdom and in the relationship between Great Britain and Northern Ireland, and I want to resolve those issues.

All I am pointing out to colleagues across the House is that I have negotiated in good faith with the European Union, but it has refused to change the text of the protocol. I have looked at all the options—including triggering article 16—to see whether they would work to resolve the serious issues in Northern Ireland, and I have come to the genuine conclusion that they will not.

**Ian Paisley** (North Antrim) (DUP): Will the Secretary of State commit that never again will a Government stand at that Dispatch Box and change the Act of Union in a way that is detrimental to this United Kingdom that we all adhere to and all admire? Will she also confirm that more than 300 hours have been spent in negotiations with the EU and that it has resisted any change whatsoever, such is its animosity towards Northern Ireland?

**Elizabeth Truss:** The very clear reason why we are acting now is that there has been a refusal to change the text of the protocol, which is causing real problems in Northern Ireland. As I have said, these issues are very small in the context of the single market, but they are critical for the people of Northern Ireland, and it is in their interests that we are acting in putting through the Bill.

Once the legislation is enacted, we can draw a line under the issue and unleash the full potential of our relationship with the EU. Fundamentally, we share a belief in democracy, in freedom and in the right of all countries to self-determination. We are natural allies in an increasingly uncertain and geopolitical world.

**Colum Eastwood** (Foyle) (SDLP): Will the Foreign Secretary give way?

**Richard Graham** (Gloucester) (Con): Will the Foreign Secretary give way?

**Elizabeth Truss:** I will not give way any more—the House will be pleased to hear that I am almost at the end of my remarks. We want to work with the EU for the betterment of not just Europe but the world, and we want to focus all our efforts on tackling external threats, such as Putin's Russia. Once this legislation is passed, we will have a solution that helps to restore the balance between the communities, and that upholds the Belfast/Good Friday agreement. That is the purpose of the Bill, and I commend it to the House.

5 pm

**Mr David Lammy** (Tottenham) (Lab): Less than three years ago, the Prime Minister stood at the Dispatch Box seeking to persuade the House to support the withdrawal agreement that he negotiated with the European Union. It was, he said,

“a great deal for England, Scotland, Wales and Northern Ireland.”—[*Official Report*, 19 October 2019; Vol. 666, c. 579.]

He urged each of us

“to show the same breadth of vision as our European neighbours” with whom he had struck the agreement. He reassured us that

“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.]

His deal, he argued, was

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

Today, 18 months after it came into force, the Government are taking a wrecking ball to their own agreement.

**Ian Paisley:** I refer the right hon. Gentleman to the very good proposal, made a few moments ago by the right hon. Member for Leeds Central (Hilary Benn), that we should trigger article 16. Do Her Majesty’s official Opposition agree with that proposal? Does the shadow Secretary of State believe that article 16 should be triggered now?

**Mr Lammy:** What can I say to the hon. Gentleman? The Opposition think that there is a better way forward through negotiation, but at least the proposition that he suggests is legal. I will come on to that in a moment.

**Sir Edward Leigh** (Gainsborough) (Con): The most important thing in all this is peace, and getting power sharing up and running. Will the right hon. Gentleman acquaint the House with the discussions that he has had with the DUP on the solution to the problem, given that the DUP refuses to rejoin power sharing unless the protocol is dealt with? I am sure that he has discussed this with the DUP.

**Mr Lammy:** In our discussions, the DUP had consistently said that it wanted a negotiated settlement—until it saw today’s Bill.

**Several hon. Members** *rose*—

**Mr Lammy:** I will make some progress.

**Ian Paisley:** On a point of order, Madam Deputy Speaker.

**Madam Deputy Speaker (Dame Rosie Winterton):** I call Ian Paisley on a point of order, but I hope that this is not a way of disrupting the debate.

**Ian Paisley:** Is it in order for the shadow Secretary of State to indicate that he has had negotiations with the Democratic Unionist party when no such negotiations have taken place, Madam Deputy Speaker?

**Madam Deputy Speaker:** I thank the hon. Gentleman for his point of order. He knows that he is well able to ask to intervene again on the shadow Secretary of State. It undermines our debates if we come up with endless

points of order that interrupt them. It is not a fair thing to do. The hon. Gentleman will try to catch my eye later; I suggest that we try to respect each other in the Chamber.

**Mr Lammy** *rose*—

**Ian Paisley:** Will the shadow Secretary of State give way?

**Mr Lammy:** I will not; I will make some progress.

The Government are bringing the Bill to the House because they object to the text that they negotiated, and the choices that they freely made. They are asking each Member of the House to vote for a Bill that flouts international law. That proposition should never be put to hon. Members. The Bill is damaging and counterproductive. The strategy behind it is flawed. The legal justification for it is feeble. The precedent that it sets is dangerous and the timing could hardly be worse. It divides the United Kingdom and the European Union at a time when we should be pulling together against Putin’s war on the continent, and it risks causing new trade barriers during a cost of living crisis.

**John Redwood:** The protocol makes very clear the primacy of the Good Friday agreement for peace in Northern Ireland and says that the EU will respect our internal market. The EU is doing neither. What is the right hon. Gentleman’s policy to persuade it to do so?

**Mr Lammy:** Negotiate—just as Labour did to get the Good Friday agreement. We negotiate. We do not break international law and alienate our partners and allies not just in Europe but across the world, and the right hon. Gentleman should know better.

As we debate the Bill, we should ask ourselves some simple questions. First, will it resolve the situation in Northern Ireland? Secondly, is it in the best interests of our great country? Thirdly, is it compatible with our commitment to the rule of law? Let me take each of those in turn.

**Layla Moran** (Oxford West and Abingdon) (LD): Will the right hon. Member give way?

**Mr Lammy:** I will not at the moment.

Let us deal with Northern Ireland first as context. None of us in this House doubts that the situation in Northern Ireland is serious. Opposition Members need no reminder of the importance of the Good Friday agreement, which is one of the proudest achievements of a Labour Government, together with parties and communities across Northern Ireland and the Irish Government in Dublin. It was the result of hard work and compromise, graft and statesmanship, a relentless focus on the goal of peace. It was born six months after Bloody Sunday. For more than half my lifetime, Northern Ireland endured the pain and violence of conflict and division. More than 3,500 people were killed. Thousands more were injured. Cities and communities were riven by intolerance and division. I remember what that conflict brought to my city, from the Baltic Exchange attack to the Docklands bombing. Above the door over there and other doors into this Chamber are plaques to Airey Neave, Ian Gow, Sir Anthony Berry, Robert Bradford and, most recently, to Sir Henry Wilson.

Nearly a quarter of a century has passed since that hopeful Easter in 1998. Since then, we have seen transformational progress. A generation has grown up in a new Northern Ireland, harvesting the fruits of a hard-won peace. That legacy demands that all of us act with the utmost responsibility and sensitivity. We need calm heads at this moment and responsible leadership.

We recognise that the operation of the protocol and the barriers and checks that were inherent in its design have created new tensions that need to be addressed. Unionists feel that their place in the UK is threatened, and we must listen to all concerns on all sides. We all want to see power sharing restored. The UK Government, the European Union and parties across Northern Ireland need to show willing and act in good faith. However, at its most fundamental level, the Bill will not achieve its objectives. The House cannot impose a unilateral solution when progress demands that both sides agree. This is not an act of good faith, nor is it a long-term solution.

Only an agreement that works for all sides and delivers for the people and businesses of Northern Ireland will have durability and provide the political stability that businesses crave and the public deserve. Instead, the Bill will make a resolution more difficult. By breaking their obligations, the Government dissolve the little trust that remains; by taking this aggressive action, we make it harder for those on the other side of the table to compromise. On that basis alone, the Bill should be rejected.

**Sir Jeffrey M. Donaldson** (Lagan Valley) (DUP): I recognise the comments that the shadow Secretary of State has made about the Belfast agreement and the need for consensus. He is aware that there is not a consensus in support of the protocol; there never has been one, from day one, in Northern Ireland. I gave time—a lot of time—for the negotiations to progress, but that did not work because the EU fundamentally refuses to change the text of the protocol. If the shadow Secretary of State is serious about getting a solution that works, will he go to the EU and join the Government in making the argument that the EU needs to agree to a negotiation in which it is prepared to change the text of the protocol?

**Mr Lammy:** I am grateful for the right hon. Gentleman's experience in these matters, and indeed when the protocol was being negotiated in the first place. May I say that I met EU ambassadors in London last week and made that very point? I point him to the speech that I made last week, in which I highlighted exactly what he has just said.

**Sir Bernard Jenkin:** I do not think that anyone in this House can doubt the right hon. Gentleman's personal commitment to the Belfast/Good Friday agreement, after the remarks that he has made. As someone whose father was nearly blown up in the Grand Hotel, I share that passion, but the problem that the right hon. Gentleman has to grapple with is that he wants a negotiation. What if the EU will not negotiate? What would he do then? That is the position that we are in. We cannot elevate the protocol to be more important than the Belfast/Good Friday agreement. That is the necessity we face.

**Mr Lammy:** I accept the sincerity with which the hon. Gentleman makes his remarks. Let me just say that they have said that trust is at an all-time low. The question

for this House is whether the Bill maintains or assists trust, given that ultimately this will be an agreement and it will be negotiated.

**Liam Byrne** (Birmingham, Hodge Hill) (Lab): My right hon. Friend is making a brilliant speech. Is he aware of comments by the US trade representative Ambassador Tai, from Speaker Pelosi and indeed from a host of our American allies in Congress? They have been very clear with us that there will be no US-UK trade deal unless there is a durable way forward on the Northern Ireland question. Not only does this reckless approach risk destroying relations with the EU, but it puts a deal with America at risk.

**Mr Lammy:** My right hon. Friend is exactly right. I have been to Washington on three occasions in the past six months, and I can say that across the political divide, Republicans and Democrats have raised the issue. On my most recent visit, they were aghast; they had not seen the content of the Bill at that stage, but they were aghast at the proposition. Perhaps the Northern Ireland Secretary might tell us what our American friends and allies have said in relation to the Bill now that they have seen the draft.

My second question is whether the Bill is in the best interests of this country. As we stand here today, Britain faces the worst cost of living crisis in decades. Inflation is at more than 9%, bills are rising, energy costs are soaring and supply chains are under pressure. It beggars belief why, at this time, the Government would choose to risk new frictions in our trading relations with the EU. They cannot get away with abdicating responsibility for this reckless conduct. If we choose to break a contract, we cannot plausibly expect the other side to take no action in response. We cannot claim that we did not foresee the consequences. Of course the European Union would respond, just as we would if the situation were reversed. I will wager that the Foreign Secretary would be one of the first people to complain if the boot were on the other foot.

A game of brinkmanship with the European Union will only add to our economic problems, but this is not just about economic concerns, important though they are. We must also see the bigger picture. For four months, the Putin regime has fought a bloody war against Ukraine. As a Parliament, we have been united in our support for Ukraine and our staunch opposition to Russia's aggression. NATO allies and European partners have stood together. How can this be the right moment to deepen a diplomatic row? How can this be the right time to tell our friends and partners that we cannot be relied on? I cannot help noting that some Conservative Members told us that the situation in Ukraine was too serious—that this was not the right time to change Prime Minister. Apparently, however, it is not serious enough to prevent us from starting a diplomatic fight with some of our closest allies.

Thirdly, is the Bill compatible with international law? [HON. MEMBERS: "Yes."] Quite simply, the Bill breaks international law. It provides for a wholesale rewrite of an international treaty in domestic law. One of the most troubling aspects is the dangerous legal distortion that is used to justify it. The doctrine of necessity is not an excuse for states to abandon their obligations. It exists to do precisely the opposite: to constrain the circumstances

[Mr Lammy]

in which states can legitimately claim that their hand has been forced. It requires this action to be the “only way” possible to resolve the issue, but the Government have not used article 16 and still say that a negotiated solution is possible. It requires a grave and imminent peril, but the Government have chosen a route that will involve months of parliamentary wrangling to fix issues such as unequal VAT rates, which no reasonable person could consider a matter of grave peril. It requires the invoking state not to have contributed to the situation of necessity, but the problems are a direct result of the choices that the Government made when negotiating with the European Union. If they were not, we would not need to change the text of the protocol at all.

**Joanna Cherry:** The right hon. Gentleman is making a powerful speech, particularly on the legal points. He has listed all the problems with the Government’s legal note of advice. Does he, like me, find it interesting that, whenever any of us raise these points, no Conservative Member is capable of answering them?

**Mr Lammy:** The hon. and learned Lady knows that there is not a serious Queen’s Counsel in the country who would support the use of the doctrine of necessity in the way in which the Government have sought to use it, and I think that Conservative Members do as well.

**Sir Iain Duncan Smith** (Chingford and Woodford Green) (Con): If I heard him aright, the right hon. Gentleman indicated earlier that the Government should have used article 16. He said, “They have not yet used article 16”, indicating that they should use it before going down this road. It was, however, the hon. Member for Sheffield, Heeley (Louise Haigh), who I think is the shadow Northern Ireland Secretary, who said that triggering article 16 would “prolong and deepen” uncertainty in Northern Ireland and pose another huge risk to stability there. Does this now mean that the Government should have triggered article 16, or that they should not—or maybe that there is a disagreement, or maybe that it will not be decided until after the passage of the Bill?

**Mr Lammy:** I think that the right hon. Gentleman is putting words in my mouth. Article 16 arises in relation to the defence that the Government suggest: the doctrine of necessity—that is, they have not used it and the point of using it is that, at the very least, it would be legal.

“Pacta sunt servanda”. Agreements must be kept. This is the essence of international law: the solemn promise of states acting in good faith and upholding their commitments to treaties that they have agreed. How would we react if a country we had renegotiated with did the same thing and simply disregarded the commitments we had mutually agreed on? I do not doubt that, if an authoritarian state used necessity to justify its actions in breaking a treaty in the manner the Government are proposing to do through this Bill, the Foreign Secretary and many of us across this House would condemn it.

Since the right hon. Lady became Foreign Secretary, the Foreign Office has issued countless statements and press releases urging others to meet their international obligations. They include Iran under the joint comprehensive plan of action; China under the joint declaration of Hong Kong; and Russia under the Budapest memorandum.

In just the last fortnight, the Foreign Office under her leadership has publicly called on Bolivia, Sri Lanka, Myanmar, Nicaragua, South Sudan, Eritrea and Ethiopia to meet their international obligations. Hypocrisy is corrosive to our foreign policy and I know that Members from across the House share these concerns.

**Chris Bryant:** I take this point from my right hon. Friend’s mention of the Budapest accord: when the UK signs a document, it really needs to stand by it. We did not stand by the Budapest accord either. We did not make sure that the text was proper before we brought it to Parliament, and that is one of the reasons we have the problems we have today, is it not?

**Mr Lammy:** My hon. Friend is absolutely right. When we use the word “honourable” across this House, it means something. It is about the integrity of this place and about the pre-eminent position that this Parliament and this country find themselves in on matters of international affairs. That is why this is such a sombre moment.

**Robin Millar** (Aberconwy) (Con): The right hon. Gentleman is making a thoughtful speech and these matters deserve thoughtful consideration, but could he take advantage of his time at the Dispatch Box to tell us whether he would change the protocol? If so, how would he change it? How does he think the process of negotiation, which has failed so far, would achieve those changes?

**Mr Lammy:** I want to make some progress, but I have said that this party would negotiate, just as we negotiated the Good Friday agreement.

**Sammy Wilson** (East Antrim) (DUP): The shadow Secretary of State has made much of the Government abandoning their obligations, but surely the obligation in the protocol was designed from the EU’s point of view to protect the EU single market. How does this Bill not give that guarantee to the EU, when goods going into the Republic will be checked, when there will be severe penalties on those who try evade those checks and when any firms producing in Northern Ireland will have to comply with EU rules when they are sending goods to the Republic? Surely that safeguards the single market and the obligations will be met.

**Mr Lammy:** Yes, it needs to be improved, but the question is how. What is the best method to achieve that? Is breaking international law and placing ourselves in a situation in which our EU partners do not trust us the best way?

**Mr Francois:** Will the right hon. Gentleman give way?

**Mr Lammy:** Let me just make some progress, because I have been on my feet for a long time and lots of hon. Members want to contribute to the debate.

Our country’s reputation is a matter beyond party. It is hard won and easily lost. When this Bill was first mooted, the right hon. Member for Maidenhead (Mrs May) asked

“what such a move would say about the United Kingdom and its willingness to abide by treaties that it has signed.”—[*Official Report*, 10 May 2022; Vol. 714, c. 38.]

The hon. Member for Bromley and Chislehurst (Sir Robert Neill) said in a thoughtful piece on this legislation last week that our country

“benefits greatly from our reputation for keeping our word and upholding the rule of law...We should be very wary indeed of damaging that standing.”

The right hon. Member for North Thanet (Sir Roger Gale) said,

“I don’t see how...any member of parliament can vote for a breach of international law.”

Lord Anderson and Lord Pannick, who are among the most distinguished lawyers in the country, have called this Bill a “clear breach” of international law that

“shows a lack of commitment to the rule of law and to a rules-based international order that damages the reputation of the UK.”

And Sir Jonathan Jones QC, formerly the most senior lawyer in Government, has described the legal justification for the Bill as “hopeless.” This is, of course, the same distinguished lawyer who resigned last time the Government proposed legislation in violation of their own treaty commitments. On that occasion, the Secretary of State for Northern Ireland had the temerity to tell the House the truth about the Government’s plan to break international law in a “limited and specific way.”

This Bill breaks the withdrawal agreement in a broad and extensive way while maintaining the pretence that it is somehow compliant. I am not sure what is worse—to be open about breaking the law or to dress up a treaty violation with this flimsy and transparent legal distortion.

**Mr Francois:** The right hon. Gentleman is making a thoughtful speech. Will he confirm to the House that he has actually read the Northern Ireland protocol? If he has read it, will he remind the House of what article 13.8 says about the ability to amend or even supersede the protocol entirely?

**Mr Lammy:** The right hon. Gentleman has, like me, been in this House for many years. This is too serious an issue for any shadow Minister or Minister not to have spent the whole weekend working hard on the Bill, as he knows. He also knows that we all come to this House hopeful of reaching agreement, but very conscious of the lawbreaking that is going forward, so of course I have read it.

Undermining international law runs counter to Britain’s interest, damages Britain’s moral authority and political credibility, and risks emboldening dictators and authoritarian states around the world. It serves the best interests of those who want to weaken the rule of law, and it is unbecoming of this great country.

This Bill not only contravenes international law but affords the Government extraordinary powers and denies proper respect to the role of this House. Fifteen of the 26 clauses confer powers on Ministers. The Hansard Society, not an organisation known for hyperbole, has called the powers given to Ministers “breath-taking.” Professor Catherine Barnard of Cambridge University has called these powers “eye wateringly broad.”

Ministers may use these powers whenever they feel it appropriate. Clause 22 allows them to amend Acts of Parliament, and clause 15 gifts them the power to disapply other parts of the protocol, potentially including the article on democratic consent in Northern Ireland.

Ministers could use secondary legislation to change not just primary law but an international treaty. This is a power grab so broad it would make Henry VIII blush.

Clause 19 allows Ministers to implement a new deal with the European Union without primary legislation. Do Conservative Back Benchers really want to give any Foreign Secretary that power? This is brazen Executive overreach. It is an act of disrespect to Parliament and all MPs should reject it.

**Karin Smyth:** As well as disrespecting Members and Parliament, the Bill is extraordinarily disrespectful to the representatives of people in Northern Ireland who will have no say on these provisions, as the Secretary of State is grabbing all the power.

**Mr Lammy:** My hon. Friend makes a very important point. Should this Bill reach Committee stage, I hope that proper scrutiny and consideration will be given to the powers that the Foreign Secretary is taking for herself and denying this Parliament and Northern Ireland.

**Colum Eastwood:** Will the right hon. Gentleman give way?

**Mr Lammy:** I must make some progress, because I am very conscious that we will run out of time.

As I have outlined, the Bill is damaging and counterproductive, and it is also unnecessary. We want to see checks reduced to an absolute necessary minimum, and there are practical solutions if we work to find them. Let us lower the temperature and focus on what works.

For months, we have been urging the Government to negotiate a veterinary agreement with the European Union that could remove the need for the vast majority of checks across the Irish sea on goods travelling from Great Britain to Northern Ireland. New Zealand has such an agreement. Why cannot we have one? I do not believe that it is beyond the ability of a British Government to negotiate one. That could be the basis of other steps to reduce friction, including improving data sharing. I am not one of those people who believe that only the UK Government need to show flexibility; the EU has been too rigid as well. However, the only way forward is to work hard on negotiation and compromise. I believe that with hard work and determination, with creativity and flexibility, we can overcome those challenges.

This Bill is not the way forward. It will exacerbate the problems it hopes to solve. It will gift Ministers unaccountable powers. It will divide us from our friends and allies in Europe when we should be united. It damages our country’s reputation. It will break international law. The rule of law is not a Labour or a Conservative value; it is our common inheritance. Since Magna Carta in 1215, it is no exaggeration to say that it is one of the greatest contributions that our country has made to the world. No party owns it. No Government should squander it. Britain should be a country that keeps its word. Let us stand for that principle and vote against this Bill tonight.

**Several hon. Members** *rose*—

**Madam Deputy Speaker (Dame Rosie Winterton):** As will be very obvious to everyone here, there are many people who want to contribute to this debate. I do not want to put a time limit on immediately. I think one will

[Madam Deputy Speaker]

be necessary, but it would be greatly helpful if Back-Bench colleagues could confine their remarks to a maximum of 10 minutes, and I think they will be quite popular if they manage to say anything in rather less than that. I call Simon Hoare.

5.32 pm

**Simon Hoare** (North Dorset) (Con): Thank you, Madam Deputy Speaker. Ten minutes is the time usually taken to make opening remarks, and popularity is something that I have always shunned.

The shadow Foreign Secretary is right: at the heart of this is trust or the absence of it—or, as she leaves the Chamber, the absence of Truss. Is the protocol perfect? No, it is not. The question, therefore, is not whether but how changes should be made. There are many ways to achieve change, but this Bill is not one of them.

The Office of Speaker's Counsel has provided a legal opinion to all members of the Northern Ireland Affairs Committee, and it raises enormous concerns about this Bill's legality. The Foreign Secretary and others have tried to conflate—they have fallen into the trap of conflating—the resurrection of devolution and the protocol. Those are two very separate and different workstreams, and we need to decouple them. Treaty making is reserved to this place; devolution is the duty of the politicians of Northern Ireland. We can and should be able to see the resurrection of one and negotiation on the other, but to fall into the trap of conflating them, the result of which is this Bill, is very sad indeed.

This is not a well thought-out Bill, it is not a good Bill and it is not a constitutional Bill. The integrity of the United Kingdom can be changed only via the Good Friday agreement. The protocol and trading arrangements do not interrupt or change the constitutional integrity of the UK, so I do not agree with those who try to position this as a constitutional Bill.

**Gavin Robinson:** Will the hon. Gentleman give way?

**Simon Hoare:** If the hon. Gentleman will allow me, I want to make a few more points.

This Bill represents a failure of statecraft and puts at risk the reputation of the United Kingdom. The arguments in support of it are flimsy at best and irrational at worst. The Bill risks economically harmful retaliation and runs the risk of shredding our reputation as a guardian of international law and the rules-based system. How in the name of heaven can we expect to speak to others with authority when we ourselves shun, at a moment's notice, our legal obligations? A hard-won reputation so easily played with—

**Dr Andrew Murrison** (South West Wiltshire) (Con) *rose—*

**Simon Hoare:** I give way to my constituency neighbour.

**Dr Murrison:** My hon. Friend and constituency neighbour is making a good speech. Of course, the Bill is permissive legislation; meanwhile, negotiations are ongoing. He referred to a failure of statecraft—whose failure?

**Simon Hoare:** I think it is probably a failure of both sides, but a presumption of, “If I don't get my own way on everything, I'm going to take my ball off the pitch; I'm going to act unilaterally, off my own bat” is not the way to do it. As a former distinguished Minister at the Northern Ireland Office, my right hon. Friend knows as well as I do that most Northern Ireland outcomes are based on compromise—on give and take, and on finding the place and the path of least resistance.

This has been a failure of statecraft. I do not believe that the Bill passes the international test of necessity. It has to pass all the tests set out in the statute, and it does not. What, then, is this Bill? Is it a bargaining chip to try to browbeat the EU? Is it a bribe to right hon. and hon. Members in the Democratic Unionist party to get back around the table at Stormont?

**Sir Jeffrey M. Donaldson:** Will the hon. Gentleman give way?

**Simon Hoare:** Let me just finish on what the Bill might be, and then I shall of course give way to the right hon. Gentleman.

Is the Bill a muscle flex for a future leadership bid? To sacrifice our national reputation on the altar of personal ambition would be shameful.

**Sir Jeffrey M. Donaldson:** The hon. Member for Bristol South (Karin Smyth) made a point on this subject earlier, but as a result of the protocol we have a democratic deficit in Northern Ireland. Many of the laws that now regulate how we trade with the rest of the United Kingdom are made by a foreign entity over which we have no say whatsoever, and our VAT rates are set by that foreign entity. There should be no taxation without representation. I do not need to be bribed to ask for what is the right of my people: democracy.

**Simon Hoare:** That is a point with which I have much sympathy, and which Committee members discussed with the Commission when we were there last December. The Commission is aware of that. Norway has Ministers of its Government in Brussels to discuss such things week in, week out. The EU and, as the right hon. Gentleman will know, Northern Irish business organisations are really keen to identify platforms whereby that democratic deficit can be in some way addressed. I agree with the right hon. Gentleman entirely. I am tempted to say to him, “Don't shout at me; shout at the Ministers who advocated for the protocol and for us to sign and support it.”

**Sir William Cash** (Stone) (Con) *rose—*

**Simon Hoare:** I am going to make some progress, if I may.

I suggest that we have to be the party of the rule of law, or we are nothing. It is sad that we have to be reminded of that. This a power grab, with all these Henry VIII clauses. If we were being asked to pass powers to Ministers so we could polish an already superlative protocol, we might have some faith, but they have admitted that the results of what they negotiated have caught them by surprise—that they did not understand the import of what they were signing up to, or they did not quite understand the terms or the meaning of the words. We

are told that they were surprised that the other side would expect us and them to fulfil the obligations we had negotiated.

Given our deep understanding of the complexities and difficulties of the politics of Northern Ireland—I have little or no doubt that we can all unite on that—I suggest that to enter into something so lightly without understanding precisely all the details, and then to say, “We’re having to do this because we didn’t expect the other side to do it in the way that they want us to do it,” is for the birds. It is totally bonkers. The Government told us that, having reached a difficult compromise on the final text of the protocol, they expected the EU to do something else. With all the history, all we relied on was expectation.

These Henry VIII clauses really will not stick. Seventeen of the clauses give unspecified powers to Ministers. Was taking back control about this Parliament handing powers to the Executive to use for unspecified purposes? Even worse, one clause tells us that powers will be used to change powers that might have been changed in the Bill if those changes are subsequently thought to have been wrong or ill-advised. That is not only someone marking their own homework, but someone copying somebody else’s homework and then claiming all the credit themselves.

**Sir Bernard Jenkin:** I find it astonishing that my hon. Friend has got eight minutes into his speech and he has still not mentioned the Belfast/Good Friday agreement.

**Simon Hoare:** My hon. Friend was obviously not listening, because I made it very clear at the start that the constitutional integrity of the United Kingdom is not touched by the protocol. The constitutional integrity of Northern Ireland within our United Kingdom is contained within the clauses of the Good Friday agreement—that is the only way. Anybody who tries to position this protocol—

**Gavin Robinson:** Will the hon. Gentleman give way?

**Simon Hoare:** I will not, if the hon. Gentleman does not mind, because of the time.

Anybody who thinks that this is, in some way, a back door to a speeding up of the reunification of Ireland is fundamentally wrong.

**Colum Eastwood:** Will the hon. Gentleman give way?

**Simon Hoare:** I will not, but I know the hon. Gentleman will understand why.

The argument of necessity is clearly not made. The Prime Minister himself wants to see this done by negotiation, and I agree with him. There is the option to trigger article 16 if the Government think that that is necessary. If the situation is as bad as some Ministers would have this House believe, one has to ask why they have not used the emergency brake of article 16, but have instead suggested a calm and tranquil Sunday afternoon walk through a bicameral system of legislative progress—something that will take 10 months. Either the data is as bad as they tell us it is—incidentally, it is not—in which case rapid action is required, or we are just going to do this, which suggests to me that this is all gamesmanship and muscle flexing. Belfast port is now

handling a record amount of cargo; last year, it handled a record 25.6 million tonnes. The food and drinks sector is benefitting. More Irish businesses are buying stuff from Northern Ireland, which is good for Northern Ireland plc.

The Henry VIII clauses are wrong, the purpose of the Bill is wrong, and the necessity for it is not proven. I ask this question sincerely of my hon. and right hon. Friends on the Conservative Benches. We are talking about playing fast and loose with our international reputation; playing fast and loose with our adherence to the rule of law; an Executive power grab with Henry VIII clauses; and pandering and giving way to some sort of political brinkmanship on one side of the very sensitive divide in Northern Ireland, which we cannot afford to treat as a plaything. If the Labour party were on the Government Benches and doing what is contained in this Bill, what would our response be, as Conservatives? We would say that this was a party not fit for Government. We would say that it was a party that does not understand or respect our traditions, and that does not understand the importance of reputation. For a fellow Tory to have to point that out to Tories is shameful. I ask my hon. and right hon. Friends to think about what this does to our party’s reputation and to our nation’s reputation, because both are in peril.

**Madam Deputy Speaker (Dame Rosie Winterton):** I call the SNP spokesperson.

5.43 pm

**Richard Thomson (Gordon) (SNP):** I rise to speak in line with the basis of our reasoned amendment, namely that we believe that this Bill breaks international law.

We have already had to stumble our way through the consequences of a Brexit deal that was supposedly oven-ready. Quite frankly, what is proposed in this legislation is no better. The fact is that, if this Bill does not break international law, it is an act preparatory to doing so.

I will start my remarks by being as helpful as I think I can be to the Government. First, I hope I can understand and at least empathise with some of the concerns of people in Northern Ireland over how aspects of the protocol are working or, as they would view it, not working. Secondly, I do not consider it unreasonable in and of itself that, in the light of experience, the Government should seek to try to renegotiate aspects of the deal that has taken effect. However, I am firmly and clearly of the view that this is absolutely not the way to go about trying to achieve that objective.

I am bound to observe that, although we are here to talk about a Bill on the Northern Ireland protocol, the issues here do not only affect Northern Ireland. We are subject to a withdrawal agreement that does not work for Scotland or, I would contend, any other part of the United Kingdom. There is much rhetoric from the Government about our precious Union, but it is a Union under the stewardship of a Government who did not pay a great deal of attention to the concerns or priorities of the majorities in Scotland and Northern Ireland who opposed Brexit. If relations are to be rebalanced across these islands, whether that is cross-community in Northern Ireland or even cross-Union, some recognition of those points by the Government is long overdue.

**Jim Shannon:** I was very fortunate to have the hon. Gentleman in my constituency, where I gave him the opportunity, which I know he enjoyed it, to meet some of the Unionist community groups, the fishermen and the elected representatives. Every one of those people, as he will remember well, conveyed to him the unfairness of the Northern Ireland protocol and the impact it was having on fishing and on the community. He will know that the local people he met were very fearful of a future where the Northern Ireland protocol was retained. Does he understand those issues, and will he express that in the Chamber as well?

**Richard Thomson:** I recall that visit with great fondness, particularly the discussions we were able to have in Portavogie, and I am extraordinarily grateful to him and to everybody I met when I was last in Northern Ireland for the chance to discuss these matters. As I have said, I certainly hope I can empathise with and understand some of the issues raised there; if he will allow me to make some progress, he might see where there are perhaps areas of agreement and also, inevitably, some areas of divergence.

**Richard Graham:** It seems to me that the fundamental issue of debate is whether the EU would move on the implementation issues that it claims are the only problem. For the EU, it is not a question of renegotiation, but of implementation. It has said that it believes that customs formalities can be reduced by about 80%, and the same with sanitary and phytosanitary checks, and that the expanded trusted trader scheme could solve many of the problems. How confident is the hon. Gentleman that those things will be delivered, given how long this has been going on for and the affect already evident in Northern Ireland?

**Richard Thomson:** It certainly appears to me that there is a potential landing zone between what has been proposed by the European Union and what has been proposed by the UK Government—indeed, there is a bit of an overlap. I would offer to come along with Ministers, but they might feel that reinforcements had arrived and somehow weakened their position. Nevertheless, there ought to be a landing zone here for those of goodwill and good faith.

Even as a supporter of Scottish independence, I find it utterly inconceivable that any Unionist Government would have signed up to the kind of arrangements that placed a trade border down the middle of the Irish sea while denying they were doing any such thing. All the issues inherent in the protocol could have been avoided had the UK Government maintained a modicum of statecraft and respect for all parts of the Union, acknowledged the limitations of the mandate they had from the Brexit referendum and remained in as close alignment as they could with the single market and customs union, thereby minimising the economic harms we have seen to the UK since then and ensuring that no part of that precious Union was left behind. Yet even now it seems that the Government have not learned from their mistakes. The Scottish Government were not consulted by the UK Government before they took this action. I believe I am right in saying that the UK Government did not even afford the Scottish Government the courtesy of a phone call in advance to advise of these plans.

It has also been reported that the UK Government did not consult their top legal adviser—the First Treasury Counsel, Sir James Eadie—on the legality of their move. So we have a UK Government who are in contempt both of international law, as we have seen in other matters, and domestic law. Aspects around the Prime Minister's current travails are bad enough, but to stand up and use the full authority of a ministerial office to say that which is not gets right to the heart not just of the problems being presented by the protocol in its current form but of the fitness of the Prime Minister, or anyone aspiring to replace him.

**Bob Stewart (Beckenham) (Con):** It is clear that the protocol is not working, and Northern Ireland business is suffering. In what way does this Bill act to the disadvantage of the European Union, because it seems to me that it is a very good way forward?

**Richard Thomson:** Well, it seems to me that whether it disadvantages or not is not something that Her Majesty's Government get to decide. While I am clear that there are problems with the protocol, clearly there are aspects of it that are working very well, as indeed those on the Treasury Benches have admitted. I will set out some of the examples, particularly over trade, where it is not having the impact that we are told, in all aspects, that it is. I come from the point of view that trust has been broken between the UK Government and the people of all these islands, as well as between the UK Government and our international partners. That gets right to the nub of the issues about trying to renegotiate it.

We should not really need to say this, but it is absolutely vital that the UK Government should be able to respect the international obligations that they enter into freely. Lord Butler, who was head of the civil service for 10 years, has said that this country has repeatedly criticised states like Russia and China for breaking the rules-based international order and yet now holds that it is perfectly justified in breaching international law itself. It seems that in this Bill we are going from a "limited and specific" breach to something that is potentially extensive and egregious. General Sir Richard Barrons, the former chief of joint forces command, who served in Afghanistan, Iraq and Northern Ireland, has said that

"what the government is proposing is short-sighted tactics which will do much harm strategically in the wider world. In fact what is being done is particularly stupid."

He went on to warn that these moves will empower our adversaries as

"it will undermine us with our enemies by giving them the opportunity to accuse us of hypocrisy when we call them out for breaking the rules-based international order. It will also undermine us with our allies who will doubt whether they can rely on us to keep to an agreement, keep to our word."

**Dr Murrison:** I am listening to the hon. Gentleman with a great deal of interest. He is right to defend international law and international treaties. Did he raise the concerns he has just expressed when the European Union was busy breaking those treaties—for example, over subsidies to Airbus?

**Joanna Cherry:** Whataboutery!

**Richard Thomson:** My hon. and learned Friend says it very eloquently in one word: whataboutery.

We have been brought here by 40 years of political dysfunction in the Conservative party and the various neuroses it has had over Europe. The exceptionalists of the “punch above our weight” brigade to be found extensively, but not exclusively, within the European Research Group, where research seems to be at a premium, have led us to this point, in the process shredding any reputation that the UK might have preserved either for good, stable government or adherence to international norms.

Whatever the bluff and bluster, and personal agendas that might be at play—I notice that the Foreign Secretary is no longer in her place—it is of course the UK’s exit from the EU rather than the protocol that created this difficult situation, because there were only ever three options that would allow this particular circle to be squared: a return of a border on the island of Ireland, close alignment between UK and EU regulatory standards to reduce the need for checks, or checks to be carried out at the main Northern Ireland ports. The further that there is a diversion from the single market and the customs union, the harder the border then eventually becomes.

**Sir William Cash:** Is the hon. Gentleman aware that in 1937 de Valera himself actually tore up the Anglo-Irish treaty in exactly the same kind of way as he is accusing other people of doing?

**Richard Thomson:** The hon. Gentleman seems to be confusing me with a representative of the Government of Ireland; that is an interesting historical diversion that I would be more than happy to discuss with him later, but I am not exactly certain how germane it is to this particular discussion. It seems a little bit *recondite* to say the least.

The Government have presented a precis of the legal advice. The Law Society of Scotland has identified a number of provisions in the Bill that it believes to be inconsistent with the UK’s international law obligations. Because of the amount of time available and the fact that we are only on Second Reading, I do not intend to go into those points in any great depth or delve unnecessarily into the horrors of the empowerment of Ministers that the Bill represents—the Henry VIII powers. However, I just specifically highlight the issues that the Bill creates given that article 4 of the withdrawal agreement states expressly that the UK cannot legislate contrarily to its commitments through primary legislation.

We now get on to necessity, which is ultimately the justification that the Government are using. As I understand it, that rests on two key points: first, that there is effectively, when viewed from London, no detriment to the single market from these measures; and secondly, that this underwrites the Government’s wishes to protect the UK single market and the Good Friday agreement. That argument was neatly eviscerated by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) in an earlier intervention, but there are three points that instantly leap out at me. First, as I have said, whether or not there is detriment is a largely subjective measure. Whatever unilateral assertions might be made on this, whether or not there is detriment requires to be determined in another manner.

Secondly, making an invocation of necessity must not seriously impair an essential interest of another party, and it is quite hard to argue that this could not at

least be at risk of happening. Thirdly, it is not particularly credible now to cite the protocol as harming the single market or the Good Friday agreement when it was cited by HM Government as a means of protecting both those things. The Prime Minister wanting to override a deal that he himself was happy to claim credit for, in terms of having got Brexit done, during his 2019 election campaign is not the strongest basis for sustaining that argument.

With regard to the economic effect, Northern Ireland has clearly lagged behind the rest of the UK in economic performance in recent decades. For some reason, it is currently outpacing every other part of the UK, except, perhaps predictably, London. There must be some reason why that might be, and I do not know whether anyone can help me with it, but perhaps there is a clue—

**Sammy Wilson:** If the hon. Gentleman were to examine the economic performance in Northern Ireland, he might find that, surprisingly, it is the service sector that has increased, by seven times more than the manufacturing sector, and of course the service sector is not covered by the protocol at all.

**Richard Thomson:** Manufacturing also seems to be doing quite well, as I recall. Perhaps having a foot in both markets and easier access to both, in contrast to counterparts on the other side of the north channel, might also be a reason for that.

A survey by the Northern Ireland Chamber of Commerce shows that 70% of businesses now believe that that unique trading position with preferential access to both the EU and UK single markets presents opportunities for Northern Ireland, with the number of businesses reporting a significant problem dropping from 15% to 8%. While I would not seek to diminish in any way the problems that those 8% feel, that is perhaps an indication that many of the problems, at least initially, were because of the short lead-in time that was given and the lack of preparation and clarity ahead of the big changes that came in January 2021.

To come back to my fundamental point, we need a protocol. The nature of Brexit means that there needs to be a protocol. It does not need to be exactly the same as this version, but what we absolutely do not need, in the middle of a cost of living crisis, is the prospect of increased trade frictions through needless conflict and a developing trade war with our largest and closest overseas market. That is what I very much fear this legislation, if enacted and utilised, would do.

I believe that the way forward is through negotiations. Like the man asked to give directions, I would not be starting from this point, for a variety of reasons, and I need not detain the House on that. We need negotiations based on trust, good faith and co-operation. The UK Government would stand a much better chance of success if they were driven by that, instead of by this piece of legislative brinkmanship, and if they were to pursue measures that for once were motivated by a genuine desire to deliver the best possible outcomes out of this mess for all peoples on these islands, rather than simply pandering to the agendas of those in the tiny subset of the population who might have an influence over who the next leader of the Conservative and Unionist party might happen to be—a party that no longer seems to be very certain what it is here to conserve or to unify.

6 pm

**Mrs Theresa May (Maidenhead) (Con):** I welcome the opportunity to speak in this debate, although I have to say to the lone Minister sitting on the Front Bench that I do not welcome this Bill. I fully understand and share the Government's desire to uphold the Belfast/Good Friday agreement. I understand and share the desire to keep the Union of the United Kingdom. I recognise the frustration and difficulty when the Northern Ireland Assembly and Executive are not in place and operating. I also share the Government's desire to get that Assembly and Executive back operating for the good of the people of Northern Ireland. I do not believe, however, that this Bill is the way to achieve those aims.

In thinking about the Bill, I started by asking myself three questions. First, do I consider it to be legal under international law? Secondly, will it achieve its aims? Thirdly, does it at least maintain the standing of the United Kingdom in the eyes of the world? My answer to all three questions is no. That is even before we look at the extraordinarily sweeping powers that the Bill would give to Ministers.

The Government's claim of legality, as we have heard, is based on the doctrine of necessity in international law. The Government, as the Foreign Secretary said, have published a legal position, and that described this term "necessity" in the following way:

"the term 'necessity' is used in international law to lawfully justify situations where the only way a State can safeguard an essential interest is the non-performance of another international obligation...the action taken may not seriously impair the essential interests of the other State(s), and cannot be claimed where excluded by the relevant obligation or where the State invoking it has contributed to the situation of necessity."

Let us examine that. First, if the necessity argument is to hold, this Bill must be the only way to achieve the Government's desires, yet the Government's legal position paper itself accepts that there are other ways. For example, it says:

"The Government's preference remains a negotiated outcome", which was reiterated by the Foreign Secretary in her opening speech. The paper also acknowledges that another way to deal with this issue lies in the existence of article 16. The Government's preferred option is negotiation, and then there is a second option, which is article 16.

Article 16 is referred to in the legal position paper, but when I read that I thought it was referred to in a way that seemed to try to say that the existence of article 16 somehow justifies the introduction of this Bill. Article 16 does not justify this Bill; the very existence of article 16 negates the legal justification for the Bill.

Let us also examine some of the other arguments for invoking the necessity defence. That defence cannot be claimed where the state invoking it has contributed to the situation of necessity. Again, in their legal position paper, the Government set out their argument that

"the peril that has emerged was not inherent in the Protocol's provisions."

I find that a most extraordinary statement. The peril is a direct result of the border down the Irish sea, which was an integral and inherent part of the protocol that the Government signed in the withdrawal agreement. It is possible that the Government might say, "Ah well, we knew about that, but we did not think the DUP would

react in the way that it has." I say to the Minister that the Government should have listened to the DUP in the many debates that went on over the withdrawal agreement, because it made its position on the protocol very clear at that point, and it was not positive.

Finally, necessity suggests urgency; "imminent peril" is the phrase used. There is nothing urgent about the Bill. It has not been introduced as emergency legislation. It is likely to take not weeks, but months to get through Parliament. As the former Treasury solicitor Jonathan Jones said in *The House* magazine,

"If the UK really did face imminent peril, you might think the government would need to deal with it more quickly than that."

My answer to all those who question whether the Bill is legal under international law is that for all the above reasons, no, it is not.

Question two is whether the Bill will achieve its aims. I am assuming that the aims are either to encourage the DUP into the Northern Ireland Executive, or that the Bill is a negotiating tool to bring the EU back round to the table. On the first of those, so far I have seen no absolute commitment from the DUP that the Executive will be up and running as a result of the Bill. There were rumours that that might happen on Second Reading, but as far as I can see it has not happened. If my right hon. Friend the Foreign Secretary wants to have a discussion with me about negotiations with other parties in this House on various matters, I am happy to do so.

If the Bill is a negotiating tool, will it actually bring the EU back round the table? So far, we have seen no sign of that. My experience was that the EU looks carefully at the political situation in any country. As I discovered after I had faced a no-confidence vote—and despite having won that vote—the EU then starts to ask itself, "Is it really worth negotiating with these people in government, because will they actually be there in any period of time?", regardless of the justification or otherwise for its taking that view. I suspect those in the EU are saying to themselves, "Why should we negotiate in detail with a Government who show themselves willing to sign an agreement, claim it as a victory and then try to tear part of it up after less than three years?" My answer to the second question as to whether the Bill will achieve its aims is no, it will not.

My final question was about the UK's standing in the world. The UK's standing in the world, and our ability to convene and encourage others in the defence of our shared values, depends on the respect that others have for us as a country—a country that keeps its word and displays those shared values in its actions. As a patriot, I would not want to do anything to diminish this country in the eyes of the world. I have to say to the Government that this Bill is not in my view legal in international law, it will not achieve its aims and it will diminish the standing of the United Kingdom in the eyes of the world. I cannot support it.

**Madam Deputy Speaker (Dame Rosie Winterton):** I am grateful to the Back-Bench speakers so far, who have been very considerate of others in the length of their speeches, but I will after the next speaker have to introduce an eight-minute time limit in order to be able to give everybody equal access.

6.8 pm

**Sir Jeffrey M. Donaldson** (Lagan Valley) (DUP): I welcome the opportunity to speak on Second Reading of this very important Bill. At the outset, it is important to make the point to all right hon. and hon. Members that this is not simply another Brexit-related Bill. Nor is it a technical Bill to remedy problems that have arisen since January 2021, albeit that it will have that effect.

Fundamentally, the Northern Ireland Protocol Bill seeks to finally and fundamentally reset and restore Northern Ireland's relationship with the rest of the United Kingdom, given the devastating impact of the protocol on the economic, constitutional, social and political life of Northern Ireland over the past 18 months. Many in this House will remember our opposition to the protocol, and it is an honour to follow the former Prime Minister, the right hon. Member for Maidenhead (Mrs May). She rightly flagged up our opposition from the outset to the protocol. It gives me no pleasure to say that we warned that it would be bad for Northern Ireland and that it would not work. That assessment has been more than borne out in reality.

The Northern Ireland institutions were restored in January 2020. The former Secretary of State, the right hon. Member for Skipton and Ripon (Julian Smith), is in his place and he was very much involved in bringing about the New Decade, New Approach agreement. At the heart of that agreement was a clear commitment by the UK Government to protect Northern Ireland's place within the UK internal market, and that it would be respected. On that basis, my party re-entered power sharing.

We kept our side of the bargain and we were patient. We waited and waited for the Government to take action to protect our place in the internal market. The Secretary of State for Northern Ireland did refer to measures to be introduced to the United Kingdom Internal Market Act 2020 that would have at least partly dealt with the problem, alongside other measures to be proposed to a Finance Bill, but those measures were not brought forward, so still we waited.

Last July, when I became leader of the party, I warned that if the Government failed to honour their commitment in New Decade, New Approach, we would have a real difficulty, because the consensus that is essential to ensure that power sharing is maintained in Northern Ireland is being undermined.

**Simon Hoare:** The right hon. Gentleman has not said anything up to now that is any way factually challengeable. On the presumption that the Bill secures its Second Reading this evening and begins its parliamentary progress, in the interest of serving those people in Northern Ireland who look to the Executive and Stormont to meet their daily needs, will he instruct his party colleagues who are MLAs to return to the Executive, get it back up and running, discharge their democratic duty, and serve all the communities in Northern Ireland?

**Sir Jeffrey M. Donaldson:** I will come to that point, but I simply ask the hon. Gentleman: if I were to do that, would he then support the Bill? I heard nothing in his contribution to suggest that he would.

Last July, I made it clear that:

“The Irish Sea Border is not just a threat to the economic integrity of the United Kingdom, it is a threat to the living standards of the people of Northern Ireland”.

and so it has proven. The impact of the additional cost of bringing goods from Great Britain to Northern Ireland is contributing to the cost of living situation in Northern Ireland. It is driving up the cost of food in our supermarkets, it is driving up the cost of manufacturing, and it is making it difficult for businesses to operate effectively.

**Bob Stewart:** Further to that point, it seems that the people of Northern Ireland sometimes cannot get goods from Great Britain. Manufacturers here are not sending them to Northern Ireland, because of the additional burden of trying to get them there.

**Sir Jeffrey M. Donaldson:** The right hon. Gentleman is absolutely correct. Many of my constituents, and those of my right hon. and hon. Friends, have experienced that as consumers and businesses. This is about not just businesses, but every citizen of Northern Ireland.

It is also about the democratic deficit. My Members, who were elected to the Northern Ireland Assembly and are Ministers in the Executive, are expected to preside over the imposition of regulations over which they have no say. They have no democratic input into how those regulations—the ones that regulate how we trade with the rest of our own country—are put in place. How can any hon. Member defend a situation where part of this United Kingdom is treated in such a way that its elected representatives have no say in many of the laws that regulate our trade with the rest of the United Kingdom? That is simply unacceptable and it is part of the problem.

**Karin Smyth:** I agree with the right hon. Gentleman, as I have said in this place many times, about aspects of the Joint Committee. This Bill that he is agreeing with, however, similarly gives absolutely no power to anybody in Northern Ireland—him, his party or anybody else—but gives it all to the Secretary of State. On that basis, how can he support it?

**Sir Jeffrey M. Donaldson:** If enacted, the Bill will restore confidence in Northern Ireland, will restore the consensus essential to operate power sharing, and will therefore give back to the elected representatives in Northern Ireland the power to take the decisions that they have not been able to take.

I also say to the House that it is a bit rich to hear hon. Members arguing for devolution and the restoration of power when this House, on a number of recent occasions, has overridden devolution and the Northern Ireland Assembly and has enacted powers contrary to the desires of the elected representatives in Northern Ireland.

I believe that this Bill is essential to the restoration of political stability in Northern Ireland. It will provide a framework for the free movement of goods within the UK internal market in line with the Government's commitment in New Decade, New Approach. It gives reasonable protection to the EU single market; it does not have an impact on the EU and the integrity of that market. In fact, it protects the integrity of that market as well as the integrity of the United Kingdom's internal market. I see no reason why this House should not bring forward measures to do that, when it is clear and evident that the protocol has disrupted the integrity of the UK internal market.

**Sir George Howarth** (Knowsley) (Lab): I know that the right hon. Gentleman gives a lot of thought to these issues and does not arrive at opinions lightly. He is arguing that the Bill as it stands will give Northern Ireland the things it wants—I think that is his main point—but what will happen if he is wrong?

**Sir Jeffrey M. Donaldson:** I am not suggesting that the Bill is perfect. It is rare for legislation that passes this House to be perfect in every sense and not to require subsequent amendment. The benefit of the Bill is that it empowers Ministers to make change where change is necessary to ensure the proper functioning of the UK internal market, which is an entirely valid thing for this Parliament and Government to do.

Furthermore, as a Unionist, I make no apology for saying that it is important to me that the Bill will restore Northern Ireland's place within the Union. Some right hon. and hon. Members have referred to the rule of law, yet the High Court and the Court of Appeal in Belfast have stated clearly that the protocol subjugates article 6 of the Act of Union, which is an international agreement—it is the fundamental building block of the Union.

Article 6 states clearly that I, as a Northern Ireland citizen and a member of this United Kingdom, have the right to trade freely within my own country and that there should be no barriers to trade between the constituent parts of the United Kingdom. In putting in place the Irish sea border, the protocol has broken article 6 and made me a second-class citizen in my own country, because I do not have the right to trade freely with the rest of the United Kingdom. I am simply asking for my rights as a British citizen.

*Simon Hoare indicated dissent.*

**Sir Jeffrey M. Donaldson:** The Chair of the Northern Ireland Affairs Committee shakes his head, but if he found his constituents in a position where they were unable to trade freely with the rest of their own country, he might be as annoyed as I am and he might actually have something to say about it.

**Jim Shannon:** My right hon. Friend is putting forward an excellent case for how to do away with the Northern Ireland protocol through this legislation. Does he agree that it removes the direct jurisdiction of the European Court of Justice and brings it back here, and that it should be the people of this House, and of the United Kingdom of Great Britain and Northern Ireland, who make those decisions, not Europe?

**Sir Jeffrey M. Donaldson:** I believe in fairness and that when there is a dispute at an international level, the court of one side should not be left to be the arbiter of that situation. That needs to be rectified.

On the implications of the Bill, I make it clear that in our view, it will provide for the restoration of the equilibrium that is essential in Northern Ireland—the cross-community consensus that is at the heart of the Belfast agreement and that is absolutely necessary to ensure the proper functioning of the political institutions. As was evident in the May elections, not a single Unionist Member elected to the Assembly supports the Northern Ireland protocol, so there is no cross-community consensus in favour of it.

This House can bury its head in the sand and pretend that there is no instant solution to the problem. It can say, “Let us just wait for the EU to finally agree to change its negotiating mandate,” but what about Northern Ireland in the meantime? I want to see the political institutions restored, but I am not able to do it if my Ministers are required to impose a protocol that harms Northern Ireland. I am not prepared—my party is not prepared—to engage in an act of self-harm to Northern Ireland's part of the United Kingdom. We are simply not prepared to do that.

Therefore, is it the will of this House that it wishes to see Northern Ireland languishing without political institutions able to operate because there is no cross-community consensus while we argue the rights and wrongs and the legalities of this situation? Unfortunately, I do not have a situation for my people whereby we can talk all night and debate this Bill and its legality in international law. I happen to believe there is a necessity, and the necessity is peace and stability in Northern Ireland.

This House and this Government are charged with the responsibility of ensuring peace and stability in Northern Ireland. That is the necessity, and I do not see and have not heard in this House from anyone opposing the Bill what their solution is beyond saying, “Let's have more negotiations”—negotiations with an EU that refuses to change its negotiating mandate and will not change the text of the protocol. I have to say to right hon. and hon. Members that refusal to change the text of the protocol simply means that we will not get a solution that will achieve the cross-community consensus required in Northern Ireland, and I believe the Bill offers a solution.

**Sir William Cash:** Does the right hon. Gentleman accept, as he said earlier, that a serious democratic deficit exists at the moment in the making of laws by European institutions—in the Council of Ministers, by a majority vote, behind closed doors? None of his voters has any opportunity to intervene whatsoever, and it is done in a manner completely inconsistent with proper democratic procedures. Is that not the absolutely right reply to my hon. Friend the Member for North Dorset (Simon Hoare)?

**Sir Jeffrey M. Donaldson:** I thank the hon. Member for that intervention and for the excellent work he has been doing in helping to bring about the progress we are making towards the restoration of the political institutions in Northern Ireland.

As I come to a conclusion, let me say that much of what will happen in the coming period in Northern Ireland will be shaped by attitudes and decisions in this House. If this Bill convincingly passes all its Commons stages in its current form and the Government continue to develop the regulations required to bring to an end the harmful implementation of the protocol, that will of course give substantially greater confidence that new arrangements are on the way, which in turn would provide a basis to take further steps to see the return of our local institutions.

Therefore, I appeal to Members of this House who genuinely want to see the institutions restored and up and running in Northern Ireland again to prioritise the interests of Northern Ireland over any narrower ideological

reservations they may have about this Bill. I urge them to recognise the vital nature of this Bill now progressing rapidly through its legislative stages in the Commons before the summer recess, and of ensuring not only that it receives substantial support in this House, but that it is not subject to either wrecking amendments or other amendments that would dilute the framework and impact of the Bill.

In conclusion, much harm has been inflicted on the Belfast agreement and its successor agreements. Time is now short to ensure that we arrest this situation, and the only way to do that, finally and fully, is to deal with the protocol and to see Northern Ireland once again focus on moving forward together. We want to see the Northern Ireland Assembly and Executive restored, and that can be achieved when there is a sustainable basis for doing so. We will continue to be condition and not calendar-led as we look forward to this Bill now making rapid progress. I commend the Bill, and we will be supporting it in the interests of Northern Ireland and the integrity of the entire United Kingdom.

6.24 pm

**Julian Smith** (Skipton and Ripon) (Con): It is a pleasure to speak after the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson).

Powerful and legitimate arguments are being made about the legal basis of this Bill, and I am sympathetic to them. Whatever the motivations and goals behind the Bill and whatever the reasons why we are at this point, it is important to look at what is practical and most likely to succeed regarding the Northern Ireland protocol and what will ensure that we show the people of Northern Ireland we are handling this issue with balance and an even hand. There are real and significant issues, as we have just heard, with the protocol—customs checks east-west and regulatory challenges to name but two. While I do not accept that the protocol is a constitutional threat to the UK, it is clear that it creates many complex challenges.

I acknowledge those issues, but there is significant support for the Northern Ireland protocol. Business organisations across Northern Ireland have been engaging in good faith with Government for over two years and looking at myriad ways to improve the deal. Their view is that the needed stability and balance can be achieved only through a negotiated settlement, and they want to preserve the opportunities of the protocol. They also want to protect the strong position of the Northern Ireland economy, which has now been shown in multiple reports to be performing among the best in the country.

There are major concerns that the advantages as well as the disadvantages of the protocol could be lost with this Bill, and that the Henry VIII clauses are there to remove almost all of the protocol should Ministers want to do so. A majority of MLAs also articulated this view in a recent letter to the Government. They accepted that changes need to be made, but they are clear that they want a negotiated approach. Voters across Northern Ireland, many of whom support the need for change, also want a UK-EU negotiated solution: 74% of voters support that.

I fear that this Bill is a kind of displacement activity from the core task of doing whatever we can to negotiate a better protocol deal for Northern Ireland. I also fear

that it risks creating an impression to Unionism that a black-and-white solution is available when the reality is that, once this Bill has been dragged through the Lords and the courts and after EU responses and reprisals, compromise will ultimately be needed. Our sole focus should be on how we shift the EU into a negotiation to get the changes needed for Northern Ireland and from the right hon. Member's party.

We risk toxifying further the discussions we are having with the EU and member states, and we risk prolonging instability for Northern Ireland business, not to mention putting the whole of the UK at risk of trade and tariff reprisals. We also risk further entrenching the view of many middle-ground voters in Northern Ireland that the desire to finish Brexit by removing the protocol is against their best interests. This issue of winning hearts and minds is important to bear in mind as we seek to persuade and cajole people to stick with the Union.

We should be looking at how we persuade the EU to make the changes needed by Unionism. We should be looking at how we encourage the Northern Ireland parties to work together on joint priorities and the EU to understand that it is in its interests to provide much greater political focus on this issue. What else can we do in other parts of the UK-EU relationship to encourage the bloc to shift? Our challenge is to push the EU to move beyond the flexibilities it is proposing and to change the text, but we also need to be realistic about how changes will be made. It will be by more suspensions, more grace periods and turning the eye, and compromises seem more likely than wholesale rewriting. Northern Ireland is very used to these types of deals—shades of grey rather than black and white.

We know that patient, quiet work can deliver. We have already seen this happen on medicines. The EU has now changed the protocol, and the Government have secured uninterrupted supplies to Northern Ireland. Not only that, but Northern Ireland's crucial pharma sector has access to both markets. There is no reason why the medicines deal cannot be replicated across agrifood and customs if the political will is there on both sides. However, to do that we need the highest-level focus, leader to leader, with a political negotiation focused on Northern Ireland and challenging the approach the EU took over the May years.

The announcement yesterday on more joint working with France in other areas could lead to a space in which we can push forward with a crucial member state the changes needed on Northern Ireland, but it is worth bearing in mind that, from the readout of the Macron-Johnson meeting, the Northern Ireland protocol was not raised yesterday.

We also need to work out how to encourage Dublin. We need its help to get the EU to shift. Ireland should have done more to help when we needed an exit mechanism on the backstop, but we now need to get Dublin, and also the parties in Northern Ireland, to focus on a resolution. We need a new, intensive UK, Northern Ireland, Irish and EU process. That is how we will get the east-west checks resolved so there is no border down the Irish sea. That is how we will fudge issues on regulation. That is even how we might get to fix legal oversight. But we need a sustainable solution.

The task in Northern Ireland is, as ever, to secure broad consensus and that means that Government, as well as addressing the concerns of Unionism, also have

[Julian Smith]

to reflect on the concerns of all communities and the growing centre ground. A new intensive Northern Ireland focus in the negotiation process is the only way to ensure that this fragile but high-performing part of our country is handled with the utmost care, balance and respect.

**Several hon. Members** *rose*—

**Mr Deputy Speaker (Mr Nigel Evans):** Order. First, I remind everyone that, if you were not in at the beginning—you know who you are, and, even more importantly, I know who you are—do not stand because you will not get in. Secondly, everybody participating: please do come for the wind-ups.

6.31 pm

**Hilary Benn** (Leeds Central) (Lab): The Bill is proof, if ever it were needed, that Brexit is not done. It was always going to be difficult to reconcile leaving the EU with the challenge of an open border and so it has proved. Let us be absolutely frank from the start: our relationship with the European Union is now in a very bad place. Perhaps that has something to do with the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) because, before he became Prime Minister, he promised he would never ever put a border in the Irish sea. When he became Prime Minister, he promptly did that. He described the protocol, when he negotiated it, as in perfect conformity with the Good Friday agreement. He then said that there would be no checks on goods going from GB to Northern Ireland. That was not true and it is probably one of many reasons why so many people do not trust the Prime Minister, including many EU leaders.

What can we conclude from that process? Despite the fact that the impact assessment made it very clear that there would be checks—what would happen—the Government either did not fully understand the protocol they had negotiated, thought it would not be a problem, mis-sold it, or always intended to resile from it later. Whatever the explanation is, it does not reflect terribly well on Ministers.

But having made that point, we are where we are and we have a problem. The problem is that the Northern Ireland Assembly and the Executive are not functioning and all of us should be worried about that. I should have said at the beginning that it is a great pleasure to follow the right hon. Member for Skipton and Ripon (Julian Smith) because I think he spoke extremely wisely.

As the right hon. Member for Maidenhead (Mrs May) pointed out, I suppose in the Government's eyes, the test of the Bill is, will it work to bring the institutions back up and running again? None of us knows for sure the answer to that, but in the meantime the Foreign Secretary is taking a very big gamble and in the process in my view she is trashing Britain's international reputation as a country that can be trusted to keep its word.

I do not propose to dwell on the detail of the Bill—others have done that effectively—but it is just not the way to solve the problem. I oppose it because it will lead to a prolonged stand-off with the European Union, it will prolong the problems the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson), who speaks for the Democratic Unionist party, has just referred to, it will

worsen relations and, if everything goes horribly wrong, we could end up in a trade war with the EU at a very difficult time for us economically and when we have a real war on our hands between Russia and Ukraine. So we have to find another way of resolving this, and that requires the UK and the EU to sit down and negotiate.

I have heard all the arguments from both sides—“It's the other lot who are not doing the talking; we are willing” and so on and so forth. They can carry on blaming each other until the cows come home but, as long as they do that, both sides will be failing to fulfil their political responsibility to find a political solution to what is a political problem. At the heart of this is the question: how do we protect the integrity of the single market while not interfering unreasonably with goods moving from Great Britain to Northern Ireland? That is why the protocol refers to goods “at risk”. That is the key phrase that we have to bear in mind.

I think there are some pretty easy places to start. For example, on supermarket deliveries travelling from Cairnryan to Larne, to shops that are only in Northern Ireland, what exactly is the risk of those goods undermining the integrity of the single market? As far as I can see, there is none, so why should they require an export health certificate? In the 18 months for which the grace periods have been extended, can anyone point to a single example of the integrity of the single market having been undermined? I am not aware of one.

I genuinely cannot fathom why the EU is so insistent on requiring a customs code to be provided by supermarkets and others. What is it going to do with the statistics? Is it actually going to publish stats on the movement of baked beans and baby food between GB and Northern Ireland? We are aware of the other problems—seed potatoes, organic products, divergence on certain ingredients. In making that point—

**Ian Paisley** *rose*—

**Sammy Wilson** *rose*—

**Hilary Benn:** I am not going to give way, as I want to keep to time.

Of course there are products where it can reasonably be argued that there is a potential risk. I wish we had spent the time talking about those products, one by one, because if there is a good case I am sure the Government will respond. While the EU says it has offered to reduce paperwork, it is important to remember that it is a reduction compared with the full application of the rules; it is an increase compared with what is currently the case because of the extension of the grace periods. That is why I have said to the EU and all I have spoken to that the EU needs to move to make this negotiation work. Surely we can reach some agreement on SPS checks on the basis that almost all the food produced in Britain is produced to exactly the same standards as it was while we were members of the EU.

I find this very frustrating because we hear Simon Coveney say on the radio, when the idea of a green lane is put to him, “We have proposed something very similar”. Well, why cannot the two parties get on with the negotiation to make this happen? Heaven forbid, if we can negotiate the Belfast/Good Friday agreement—an astonishing achievement, the phrase of my good friend my hon. Friend the Member for Hove (Peter Kyle), the shadow

Secretary of State for Northern Ireland—are the Government really incapable, with the EU, of negotiating for a prawn sandwich to cross the Irish sea without a lot of accompanying paperwork? This cannot be beyond the wit and ability of politicians.

In my view, this is a Bill borne of desperation rather than principle. It is a Bill trying to solve a problem that is entirely of the Government's own making. It does Britain's international standing no good whatsoever. And it will make the negotiation, which is the only way this is going to be solved in the end, harder rather than easier. There are so many more pressing things for us to be talking about with the EU—our biggest, nearest and most important trading partner still—not least the war in Ukraine and not least climate change. The current crisis in the Government in respect of Northern Ireland arises from a practical problem and requires a practical solution. We need those old virtues of patient diplomacy and negotiation, which take as their starting point the purpose of the rules, which is to protect the integrity of the single market, rather than the rules themselves. Frankly, it is now time for the Government, together with the EU, to get back around the table and sort this out.

6.38 pm

**Sir Iain Duncan Smith** (Chingford and Woodford Green) (Con): I am grateful to be called so early.

May I start by saying to the right hon. Member for Leeds Central (Hilary Benn) that I agree with all that stuff about the trade issues? They have been on the table for ages. I will just go over one small point. During the breakdown in negotiations when my right hon. Friend the Member for Maidenhead (Mrs May) was Prime Minister, I happened to take a delegation, including Lord Trimble, to see the then chief negotiator. I put to him the fact that the whole issue around trade across the border was easily settled, as long as we were able to trust each other on things like phytosanitary foods and veterinary checks, which the EU does with New Zealand. He completely agreed and said it would be possible, but then it came to another agreement and we have plunged ever since.

It is wholly feasible not to have these ludicrous checks and ludicrous requirements for customs codes to be banged across to the EU, or for the Court of Justice to sit to rule over what is going on in Northern Ireland. It would have been agreed then, under a thing called mutual enforcement, where both sides take complete responsibility for the enforcement of transgressions in the other's area when it comes to Northern Ireland. That would have solved that problem straight.

Here is the problem: the EU has point blank refused to negotiate that. Here is the point about the protocol. I am not saying that the protocol should go completely. I am saying it should be changed—that is the whole point. When I read it before we originally voted on it, I read clearly what its main purpose was. Article 1, paragraphs (1) and (3) make it clear that the primacy in all this is the Good Friday/Belfast agreement. Upholding that is critical—of course it is.

I served in Northern Ireland. I never want anyone I know to go back to a thing like that again. I lost people in Northern Ireland. It is part of me as much as it is of those who live there. We do not want to go back there.

Therefore, the Good Friday agreement must be prime; by the way, it is an international agreement. So we have a problem. We are talking about breaking international agreements, but we have a clash between international agreements. Which one is prime? Paragraphs (1) and (3) of article 1 make it clear that maintenance of the balance in the Good Friday/Belfast agreement is prime. If that is the case, I do not believe—I accept I am not a lawyer; I say to the Minister for the Cabinet Office and Paymaster General, who is on the Front Bench, that that is a badge of pride for me, although I am sure that others would argue differently—[*Interruption.*] Of course. I always hear him argue and I love it. I have read the text of this. I do not believe this legitimately will break international law. There is a good reason. If the Good Friday/Belfast agreement is so prime in the protocol, it was agreed from the word go that what affected that badly would make this thing fall.

The rest of the protocol is important. The protocol was never seen as permanent. First, it was negotiated under article 50, which means that it cannot be permanent of its own right. Secondly, article 13(8) of the protocol makes it clear that it can be changed in whole or in part. So what is the problem? It is not working—change it. It could have been changed ages ago. In fact, last year, I asked for article 16 to be triggered simply so we could start that process immediately.

The point that I want to make is that the Good Friday/Belfast agreement is critical. It is about safeguarding that first, and then there is no hard border, the EU single market and the UK's territorial integrity. The last one has clearly been badly damaged and we cannot have that reign any further. Northern Ireland is clearly an important part of the United Kingdom, so it must be treated as an important part of the UK, as much as my constituency is. That is critical. Actually, the protocol specifies that that is one of the priorities. So here we go again: why would the EU not change the mandate? It set a narrow mandate that said that it would deal only with issues that affected the running of the protocol. It did not allow its negotiator to have a mandate that would change article 13(8) of the protocol in whole or in part. We are here today with this because we are only going to be able to force this to happen through this Bill.

There are those who say, “Negotiate, negotiate, negotiate.” Negotiation is not an end in itself. It has a purpose. At some point, you have to leave the room because it no longer works and, until the other side makes a change, you cannot simply go back. That is the real problem that we face. The only time the EU will sit up and look at this is when it realises that the British Government are determined to make this change come hell or high water. If the EU will not agree to the necessity for this, we will have to make it.

I believe that the Government are acting reluctantly. I have listened carefully to what the ex-Justice Secretary, my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland), has said about the efficacy of this in international law. He will speak shortly and we will want to hear what he has to say.

Quite simply, the most important thing is that the EU—including, I might say, Ireland—wakes up to what the challenge really is. The process at the border was wrongly and damagingly weaponised during the negotiations. We got locked down in the original negotiations and ended in this position because it was seen as a stick to

[Sir Iain Duncan Smith]

beat the dog. The dog was Brexit Britain, and the EU was going to use it no matter what to ensure that it could not be clean. It is time to recognise that that has to stop. So I support the Bill tonight not on technicalities, but on the reality as it has turned out.

**Angus Brendan MacNeil** (Na h-Eileanan an Iar) (SNP): I am surprised to see the right hon. Gentleman wanting to interfere further on “Brexit means Brexit.” Is he not the one who told the House in October 2019 that this matter had been

“debated and thrashed to death”

and said that if anything else needed debating about it, he

“would love to know what it is”?—[*Official Report*, 22 October 2019; Vol. 666, c. 853.]

When was the epiphany?

**Sir Iain Duncan Smith:** I read the protocol—that is why. I do not know whether the hon. Member did. In the protocol, it is clear that if it does not work, it will be changed

“in whole or in part.”

He should have read it, and he would have understood. The whole point is that we can change it. The protocol has always been clear: the seeds for its own major change are in it. [*Interruption.*] I made no resolution on it. I was absolutely right to do so, and I would repeat that. [*Interruption.*] Whether he wants to hear what I have to say is another matter altogether. He had his moment in the sun and he lost, so I will move on.

I say to my right hon. and hon. Friends on the Front Bench that we are here out of necessity because of how the EU has behaved, and, I must say, because of how the Irish Government have behaved. Some people, such as the Irish Taoiseach, have been good—he has been much more reasonable—but quite recently the Irish Foreign Secretary celebrated the diversion of trade that was taking place. That contravenes article 16 and makes it clear that the protocol has to be changed. I read the treaty, but I do not think that the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) did.

I do not believe that the Bill breaks international law. It is a clash of international treaties, and the most important international treaty is the Belfast/Good Friday agreement. Maintenance of that is critical. I want to see the DUP back in power sharing. I understood the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) to say that he would head in that direction and get back into power sharing once the Bill was through the Commons. I hope so, and I will hold him to that. Let us get the Bill done as quickly as possible, because only then will the EU realise that we mean business.

6.47 pm

**Claire Hanna** (Belfast South) (SDLP): These few years have been frustrating and damaging for Northern Ireland, and the Bill adds to that. They have been bad for the economy—for businesses that need stability, not brinkmanship—and for relationships in each of the Good Friday agreement’s three strands: within Northern Ireland; between the north and south of Ireland; and between east and west. More than that, the Bill is being

seen as part of the Government’s departure from the Good Friday agreement’s values of compromise, partnership and the rule of law. The Bill recycles the same distortions and half-truths that the people of Northern Ireland have been listening to for the last six or seven years of the Brexit debate, and there is still a failure to reconcile the dilemmas that Brexit forces and the choices that the UK Government have made with the reality of our geography.

Some truly mind-bending arguments have been put forth to justify the Bill. It is said that the Bill is about consent and consensus, when in fact the majority of people in Northern Ireland have not consented to Brexit in any form, and a majority of voters and MLAs reject the Bill in the strongest terms. We are told that it is about protecting the Good Friday agreement, while the UK Government and people whom we all saw scuttling away from Castle Buildings when the Good Friday agreement was being forged—they screamed in the windows for the first few years, while we tried to implement it—are in the middle of body-slammng a cornerstone of that agreement.

We have also heard that the Bill is about rights. If it is truly about rights, the women of Northern Ireland, the LGBT community of Northern Ireland and the minority ethnic community of Northern Ireland would like a word. We have heard that it is about the alleged damage to our economy, when every credible business organisation in Northern Ireland is calling for the retention of the protocol. Business after business lauds the potential of dual market access, and Northern Ireland is the only UK region outside London managing to achieve post-pandemic GDP growth.

We are told that the Bill is about a democratic deficit. That is being protested against by removing the entirety of Government from the people of Northern Ireland, and it will apparently be solved by handing over Henry VIII powers that allow the Government to ride roughshod over everybody in Northern Ireland. I am old enough to remember the time when Brexit was supposed to be about parliamentary sovereignty. We have been promised that, and we were promised sunlit uplands, but people in Northern Ireland are getting the gaslit uplands, given that there has, for years, been a cynical campaign to distort the causes and effects of the protocol.

I understand entirely the hurt and frustration of many ordinary Unionists. They have been catastrophically misrepresented by the Democratic Unionist party, and by the Prime Minister, who insisted—[*Interruption.*] The DUP has been saying all those words for three, four, five years, and we ended up with the protocol. Some of us are here to try to clear up the mess that was created, while the DUP voted down every option that could have prevented the sea border. Unionists and others are wrong to think that the solution is breaking international law and walking away from partnership and compromise.

I hope that the DUP will understand—I mean this in the best possible way—that hundreds of thousands of us in Northern Ireland who do not identify as Unionists constitutionally compromise every single day; we live in a reality where the governance lines do not directly match up with our identity. We do that because it suits the majority of people, and because Northern Ireland is not a place where hard, sharp lines of sovereignty work, or where the winner can take all. It is a place where

governance survives in the shades of grey, as the right hon. Member for Skipton and Ripon (Julian Smith) said.

I am glad that some very plausible solutions, including on sanitary and phytosanitary arrangements and veterinary deals, are being mentioned, because for some reason, they disappeared off the agenda. We are told, “I would do anything for Northern Ireland, but I won’t do that. I won’t agree to a simple, negotiated solution that could remove 70% or 80% of checks.” There is no doubt that the protocol can be smoothed and its operation can be improved; everybody says that. As I have said before, nobody in Northern Ireland loves the protocol, but the better options were voted down. As with everything that is worth doing in Northern Ireland, that improvement will be achieved through partnership and compromises, not by imposing unmeetable red lines. That would remove the people of Northern Ireland from the single market, and that has no support.

Instead of doing the hard work and levelling with the people of Northern Ireland, the Government, to whom the DUP has shackled itself, are choosing to distort and deflect. They are using the “stabbed in the back” narrative; they are saying that this is all the fault of remainers, the EU, the Irish, and those who are not patriots, but we know that this is about the DUP. The hon. Member for Stone (Sir William Cash) mentioned Eamon de Valera, and that reminded me of a quote that has echoed down through Anglo-Irish relationships from the last century. Lord Edward Carson, who had been the leader of Unionism, said in the other place, as he reflected in disillusionment on the shambles left by the Conservative party on the island of Ireland,

“What a fool I was. I was only a puppet, and so was Ulster, and so was Ireland, in the political game that was to get the Conservative Party into power.”—[*Official Report, House of Lords*, 14 December 1921; Vol. 48, c. 44.]

The only difference between then and now, when we have this miserable, deceitful Bill before us, is that we are talking about maintaining the Conservative party in power and propping up a failing, discredited Prime Minister. This is also perhaps about the Foreign Secretary currying favour with the malevolent European Research Group and once again pulling the wool over Unionism’s eyes.

I suspect that we cannot stop the Bill—people will troop through the Lobby and support it—but Members should understand that people on the island of Ireland, and further afield, are watching the Government. They will have to work through the implications of dealing with a Government who are in a very bad place morally, and who are in contravention of the culture of lawfulness that many of us have worked very hard to cultivate in Northern Ireland. The Government’s approach is fundamentally altering the dynamics of relationships on the island.

Having spent the last six years having the same argument time and again, I do not believe that the Conservative party has it in it to put the people, businesses and economy of Northern Ireland first. I implore my colleagues on the Opposition Benches: please, unshackle yourselves. Work with us—your neighbours, colleagues and friends—on the negotiated solutions that we all know are possible. We have solved bigger problems before; these solutions are available. End this toxic debate. That is what the people of Northern Ireland want. They do not want to

have to hear about this day after day on the radio. They want dual market access, and they want our economy to prosper; and that is entirely achievable, with good will.

**Several hon. Members** rose—

**Mr Deputy Speaker (Mr Nigel Evans):** Order. In order for us to get as many Members in as possible, the time limit is reduced forthwith to six minutes. I call Mr David Jones.

6.54 pm

**Mr David Jones** (Clwyd West) (Con): The status of Northern Ireland in the United Kingdom derives initially from the Act of Union 1800, the sixth article of which provides that, in matters of trade and in treaties with foreign powers, the

“subjects of Ireland shall have same the privileges...as...subjects of Great Britain.”

The 1800 Act was augmented, as we know, by the Belfast/Good Friday agreement of 1998, which declares that

“it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people”.

As hon. Members have said today, the Belfast agreement is fundamental to the maintenance of peace in Northern Ireland, and preserves its constitutional status. The fact that the agreement is crucial is acknowledged in the Northern Ireland protocol, which says that the protocol “is without prejudice to the provisions of the 1998 Agreement in respect of the constitutional status of Northern Ireland and the principle of consent”.

The essential point is that the protocol, which is part of an international treaty, explicitly acknowledges the primacy of the Belfast agreement—another international treaty.

The agreement, however, has been undermined by the protocol. It is absolutely clear that the arrangements set up by the protocol are having a detrimental impact on life in Northern Ireland and on the privileges of its people. As we have heard, there are burdensome checks on goods passing from Great Britain to Northern Ireland, and that has created a border in the Irish Sea between constituent parts of the United Kingdom, which cannot be acceptable.

As we heard from the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson), people in Northern Ireland find it difficult to secure many goods that they have traditionally been able to purchase, and there has been a diversion of trade away from mainland Great Britain and towards the European Union. The disruption has also impacted the democratic institutions of Northern Ireland. The Assembly has not been reconstituted since the elections earlier this year, and the Executive remains suspended. This is a worrying and potentially dangerous state of affairs, especially given the sensitive political history of Northern Ireland.

**Angus Brendan MacNeil:** Given the right hon. Gentleman’s concern for the Assembly and for democracy in Northern Ireland, does he think that the protocol should be decided on by that very Assembly?

**Mr Jones:** The Assembly will, in due course, have the right to decide on it, but that will be after the passage of four years.

[Mr David Jones]

Both the UK and the EU recognise the practical problems of the protocol and its impact on Northern Ireland. Both recognise that those problems should, if possible, be resolved by negotiation, and hon. Members in all parts of the House have repeated that today. Everybody would like the issues to be resolved through negotiation, but for that to happen, it would be necessary for the EU to change the negotiating mandate given to Vice-President Šefčovič—and that it refuses to do. As we heard from the Secretary of State, there have been extensive negotiations over 18 months, and they have been fruitless.

The Government have a clear duty to take action to restore the privileges of the people of Northern Ireland, so that they are equal to those of people in the rest of the UK, and to respect the primacy of the Belfast/Good Friday agreement. The action that the Government have taken is to introduce this Bill, which does not, as has been suggested, tear up the protocol; on the contrary, it respects and protects the integrity of the EU's single market and the openness of the land border, both of which are matters in which the EU and the Irish Republic are concerned. There will still be checks on goods arriving in Northern Ireland but destined for the European Union, through a red lane arrangement.

The Bill explicitly protects the EU single market against the movement across the Irish land border of goods on which the correct EU tariffs have not been paid, or which do not comply with EU regulatory standards. It also provides explicitly that no land border infrastructure or checks or controls on the borders may be created. In every respect, that satisfies the European Union's concerns.

The Bill also complies with the United Kingdom's obligations under the Belfast/Good Friday agreement. It preserves the status of Northern Ireland in the United Kingdom by restoring the equality of the privileges of its people with those enjoyed by the people of the rest of the United Kingdom.

The Bill is wholly necessary. Without it, the peace process established by the Belfast agreement will be dangerously compromised. It is a crucial but proportionate Bill, and it deserves the support of the House.

7 pm

**Tony Lloyd** (Rochdale) (Lab): Anybody in the House who takes legislation seriously ought to start from the presumption that operating tactically is a dangerous process. It is short-sighted and for the short term. However, in the context of Northern Ireland, it is not simply foolish, but very, very dangerous. We know about the forces that have been unleashed in Northern Ireland in recent times. The rhetoric in the election in Northern Ireland only a matter of weeks ago and the rhetoric over weeks and months from the UK Government have heightened tensions in that context. This is dangerous and the House should take that on board.

I do not want to be alarmist. We have to move towards taking a much more serious, much more rational view. The right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith) and a number of others made the point about article 13.8 of the protocol. They are right to say that there is scope for amendment under

that article. However, that has to be done through negotiation and agreement, and on the basis of getting back to the negotiating table.

We know that if we put a shotgun to the heads of any of the parties in this situation, we will get a negative response. That applies to the DUP and other parts of the community in Northern Ireland. We have to take people with us. Frankly, however, it also applies to the bilateral relationship between the United Kingdom and the European Union. If we are not involved in serious negotiation to look for common-sense solutions, we will fail the people of Northern Ireland.

There is a bigger risk: the situation could be traumatic for people across Northern Ireland. If we enter into a really serious breakdown in our relations with the European Union, things will be dramatically worse for the people of Northern Ireland—as they will be for my constituents and those of every Member of the House—so we need rational politics.

My right hon. Friend the Member for Leeds Central (Hilary Benn) made some sensible points. It has long been the case—this has been obvious from the beginning—that once we began to move towards Brexit, the solution that guaranteed respect for the Good Friday agreement could be reached in only one way. It could not be done by having a hard border across the island of Ireland and it should not be done by having a hard border down the Irish sea. It has to be done through some form of negotiated solution that respects the fact that the two potentially different systems have to be brought as close together as possible.

A sanitary and phytosanitary agreement is obvious. We start from the same premise. No Members from the governing or Opposition parties are arguing that we should deteriorate our SPS conditions in Great Britain. We therefore need a negotiated SPS agreement, as was achieved with not only New Zealand, but Switzerland. They are two different models, but a uniquely UK-EU model would be perfectly practical. Let us move on that and look hard at the practical details. If we take the heavy rhetoric away and see these problems as practical ones that can be solved by good will, we can move the situation on.

There have also been some powerful voices among Government Members about the legality of the Bill. That should worry hon. Members across the Chamber. It is not good enough to compare the Good Friday agreement with the protocol, as though one somehow has to go and the other does not. We have to maintain international law under all circumstances. When I say to people in other countries that we have an expectation of very high standards, I am right to say, "It is because my country also respects those very high standards." That, actually, is true patriotism. Real patriotism comes from such measures, not simply from jingoistic flag waving. Let us say that it really matters that we are a law-abiding country, because if we are not, frankly, we let ourselves and the world down. We have to confront that serious issue tonight.

I appeal to right hon. and hon. Members to take this issue very seriously and to my friends in the DUP on the same basis, because it will affect all of us—the people in Northern Ireland and in the rest of Great Britain—if we get this wrong. There are some really difficult issues. They can be solved, but they will not be solved by the

Bill, even if we amend it. We need to get back to the negotiating table and deal with the practical issues. That is the sensible way forward.

7.6 pm

**Sir Robert Buckland** (South Swindon) (Con): I have sat diligently through the entire debate, and I think that the House is soberly and carefully examining an issue that is not just about Brexit or our relationship with the EU, but which goes to the heart of the exceptional nature of Northern Ireland and its position in our great United Kingdom. That arrangement was reached a century ago, whether we like it or not. The consequences of Northern Ireland's exceptional position have made this particular issue so vexed and complicated.

I was in Government when the final withdrawal agreement was negotiated. We all remember—I certainly do with great clarity—the need for there to be an agreement with the EU for us to be able to chart a way forward, not just in terms of our withdrawal and the period of grace that we had for a year after that, but our subsequent trade agreement. For me, that is of paramount importance.

I therefore come to this debate after very careful and measured thought. As an unalloyed pro-European, I still believe in the importance of Britain's role with our friends in Europe and the importance of maintaining strong bilateral arrangements, and I do not want to see us doing anything hastily that could jeopardise that important continuing relationship. That is why we should heed very strongly the words of my right hon. Friend the Member for Skipton and Ripon (Julian Smith), who was the Secretary of State for Northern Ireland—he worked diligently to bring back that Executive, with great success—about the need for Franco-British bilateral discussions to proceed at pace. In my considered view, that will be how we unlock the sort of negotiation that everybody in the Chamber wants.

Hon. Members are right to talk about the need for negotiation, but the reality is that there is no negotiation. We cannot even call it a negotiation because Maroš Šefčovič, in working for the Commission, needs political direction from the EU and its member states—most notably, France—to be able to even call his discussions with the United Kingdom a negotiation. That is the reality.

Although masterly inactivity is sometimes absolutely the right way for nation states to proceed, I am afraid that that is not an option for us here. A nation should pursue masterly inactivity when it has a position of advantage and I am afraid that we do not have that, because our essential interests are under threat. We have identified our essential interests as the

“maintenance of stable social and political conditions in Northern Ireland, the protection of the 1998 Belfast (Good Friday) Agreement, the effective functioning of the unique constitutional structures created under that Agreement, and the preservation and fostering of social and economic ties between Northern Ireland and the rest of the United Kingdom”.

Here is the point I want to make, in the short time I have: a lot has been said about necessity, as if it requires imminent peril or an immediate threat facing us just outside the door. Nobody is saying that we face that, but necessity in this context does not require that degree of imminence; it requires a degree of real threat, and growing evidence of a real threat to our essential interests.

I would argue that there is such growing evidence. Clearly north-south is entirely unaffected—the respect we are showing for the single market is clear—but there is a growing problem when it comes to east-west. The right hon. Member for Leeds Central (Hilary Benn) put it very well when he talked about the prawn sandwich argument.

I have to say that at a time when there seems to be violent agreement among all the parties of Northern Ireland, and indeed among all of us in this Chamber, the full implementation of the protocol is not what we want to see. Nobody wants that. What on earth are we all arguing about?

**Sir Robert Neill:** My right hon. and learned Friend speaks wisely about these topics, as ever. He refers to the doctrine of necessity and the tests that must be met. I think he will agree that, whether it be imminent or emerging, there has to be evidence that the high threshold is met. Does he think that, in common with the approach adopted in the United Kingdom Internal Market Bill, if there is evidence so pressing as to justify a departure from an international agreement, with the risks that that involves, it should be brought back to this place for the House to decide in a vote? As was then suggested in that Bill, on the evidence available, there should be a parliamentary lock on the use of that important step.

**Sir Robert Buckland:** My hon. Friend makes a powerful case. His amendment to that Bill was adopted by this House in 2020; I thought it was a sensible mechanism to allow this House of Commons to have its final say with regard to the implementation of these measures based on clear evidence.

My point is simply that this is not a matter of law or a question of legality. There is a respectable argument that can be deployed by the British Government to assert necessity, but this is not about the law; it is about the evidence that the Government will need to marshal to demonstrate that point. The Government's responsibility is to be a good steward of the Good Friday/Belfast agreement.

**Simon Hoare:** Will my right hon. and learned Friend give way?

**Sir Robert Buckland:** I am afraid I cannot give way any further.

It is paramount that article 1 of the protocol, which says that it

“is without prejudice to the provisions”

of the Good Friday agreement, means that the Good Friday agreement definitely—in my view, as a matter of law—takes precedence. Any Government who fail to act or who sit idly by and ignore the concerns of Opposition Members, the wider community or the wider interests of our kingdom are therefore failing in their duty.

I have listened very carefully this afternoon to the leader of the Democratic Unionist party, the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson), and his party. I would like further clarity as to whether in referring to the passage of this Bill he meant its clearance through this House, as opposed to through the other place before it returns here for a final consideration.

**Sir Jeffrey M. Donaldson:** I was very clear: I want to see progress being made in the passage of this Bill through the House of Commons. I want to see steps being taken that give us the certainty that we will see this legislation moving forward and that Parliament will enact it. In those circumstances, we will respond positively.

**Sir Robert Buckland:** I am extremely grateful to the right hon. Gentleman. I know that he speaks about the issues with conviction and passion. As a friend of the Union—as a Unionist to my bones—I say to him and his party that it is time to act. It is time for us to come together if we are to restore the stability that the mainstream opinion of people in Northern Ireland, for whom politics is not their everyday preoccupation, is crying out for. What the right hon. Gentleman, his party and I must agree on is that the United Kingdom must be the source of that stability. If we fail to be the source of stability, people cannot be blamed if they vote with their feet—or vote in another way, God forbid.

That is why I am taking part in this debate: because as a Unionist I feel a responsibility for the stewardship of the United Kingdom that I love. I think Northern Ireland is as British as Wales, where I come from, and Swindon, which I represent. It is in the interests of all Conservatives to remember that, however tactically difficult the issue might be, and however inopportune a moment it is to have to make hard and fast decisions, the issue is of such importance that inaction is not an option. Tonight, I urge colleagues to vote for the Bill in the hope and expectation that we will see real progress and the stability that the people of Northern Ireland and the people of Britain want and deserve.

7.15 pm

**Dr Philippa Whitford** (Central Ayrshire) (SNP): The Bill unilaterally sets aside significant provisions of the Northern Ireland protocol, an international agreement for which the Prime Minister was quite happy to take credit when he claimed in the 2019 election campaign that he would “get Brexit done”. The Foreign Secretary has said that the Bill is needed to protect the Good Friday agreement, but dismantling the protocol against the will of the majority of people in Northern Ireland also risks undermining that agreement. She said that the protocol needs cross-community consent. Indeed it does, but does she have consent from both communities for this Bill? I doubt it.

Scant consideration was given to the Province by Brexiteers before the referendum, nor was consideration given thereafter to the fact that the majority in Northern Ireland, as in Scotland, voted to remain in the EU. It is the UK’s exit from the EU, rather than the protocol, that has created the difficult situation for Northern Ireland. That was recognised by the then First Minister Arlene Foster when she demanded a special trading arrangement for Northern Ireland shortly after the referendum—a request for special treatment that she and her party now repudiate.

As my hon. Friend the Member for Gordon (Richard Thomson) has already highlighted, there were only three choices: a border on the island of Ireland; close alignment between UK and EU standards to reduce checks, including a veterinary agreement; or checks carried out at Northern Ireland ports. The return of

border infrastructure in Ireland was seen as an unacceptable threat to peace, but it was the Prime Minister’s choice of a hard Brexit with maximal divergence from the EU that inevitably left checks on Irish sea crossings as the only remaining option.

The issues posed by an Irish sea border were clearly highlighted in the Government’s own impact assessment, which undermines the claim of sudden necessity and means that the Prime Minister’s December 2019 claim that there would be

“no question of there being checks on goods going NI-GB or GB-NI”

was disingenuous, to say the least. The UK Government state that there is no need for checks, as current UK regulations are close to those of the EU; indeed they are, but the Government are proposing a bonfire of EU regulations and are already negotiating trade deals that would allow lower-standard foods and goods to be imported into the UK.

The Prime Minister cites economic failure and the outcome of the recent Northern Ireland elections as justification for tearing up the agreement, despite a clear majority of Assembly Members supporting the protocol in principle, and despite recent economic data showing Northern Ireland outperforming Great Britain. Business surveys by the Northern Ireland Chamber of Commerce and Industry show that two thirds of local businesses have now adapted to the protocol, and 70% claim that they see advantages in their dual position, which is something that the rest of us in the UK have lost.

**Angus Brendan MacNeil:** My hon. Friend is quite right that there is an advantage to business and to the economy of Northern Ireland. Interestingly, last week the Secretary of State for Northern Ireland could not tell me whether the Government had done any economic analysis whatever.

The Minister for Brexit Opportunities has said that introducing a border for imports in the United Kingdom “would have been an act of self-harm.”

If that were to happen, it would make it even more obvious that the Northern Ireland protocol was an economic advantage to Northern Ireland. It would not be doubly hampered—first by this, and secondly by the completion of Brexit borders.

**Dr Whitford:** I thank my hon. Friend for that intervention. It is without question that issues with, in particular, the implementation of the protocol remain: 29% of businesses are still experiencing some difficulties, although the number of businesses facing serious problems has dropped from 15% to 8% since last year. That improvement over time suggests that some of last year’s problems could have been avoided if businesses had been given more than a matter of weeks to get ready for last January.

I think we all recognise that supply chains from GB producers and manufacturers would certainly benefit from technical improvements, especially improvements to reduce the burden on goods that are for sale purely in Northern Ireland, but while the EU proposed mitigations last October—including an express lane for exactly those kinds of goods—the UK Government have not engaged in any discussions since February, so talk of 18 months of solid negotiation is nonsense. Despite the

remaining challenges, Northern Ireland business leaders have made it clear that while they seek improvements, they do not want the protocol to be removed.

The loss of trust in the UK Government to honour their commitments is already holding back participation in Horizon Europe to the detriment of research teams across the UK, especially in Scotland, where they had disproportionate success in attracting EU funding. Disapplying almost half the protocol undermines a key part of the withdrawal agreement, and, as others have said, runs the risk of provoking a trade war with the EU, further exacerbating the cost of living crisis. The EU would then be likely to place tariffs on UK exports, and, given that Scotland produces the UK's leading food and drink exports—whisky and salmon—Scottish businesses would bear the brunt of such retaliatory action.

It is vital that the UK and the EU get back round the table with all the stakeholders from Northern Ireland to discuss practical improvements to the implementation of the protocol, reducing the friction and intrusion to a minimum while keeping the economic benefits for the Province. Solutions can be achieved only with willingness, trust and good will, but, sadly, those are now in very short supply, and unlikely to be improved by the Prime Minister's plan to wreck an international agreement that he signed less than three years ago.

7.22 pm

**Sir William Cash** (Stone) (Con): This Bill stands behind the Union, and the Union itself is dependent on the sovereignty of the United Kingdom Parliament. These are fundamental constitutional issues, on which the Bill rightly insists. The European Union has been intransigent about the protocol, which undermines the Good Friday agreement. Furthermore, its intransigence is motivated by considerations that are completely contrary to our right as a third country, and it refuses to change its mandate. It has no right to insist that in relation to a third country, such as the United Kingdom, it should exercise European jurisdiction over Northern Ireland, through the European Court, now that we have left the European Union. The European Union would no more allow any part of the national territory of any one of its member states to be governed by other countries which are not members of the European Union than, for example, the United States would allow Texas to be partly governed by Mexico, or Canada to exercise legislative control over parts of the United States. It is simply inconceivable.

As for the question of our parliamentary sovereignty, section 38 of the European Union (Withdrawal Agreement) Act 2020—in particular, subsection (2)(b), which expressly provides that we can override direct effect and direct applicability notwithstanding European law in relation to Northern Ireland—enables us to take the necessary constitutional steps to dispose of parts of the protocol in our national interest, and, in doing so, enables us to save the Good Friday agreement. In respect of the democratic deficit—on which I had an exchange with the leader of the Democratic Unionist party—the European Scrutiny Committee, which I chair, revealed in its March report that since we left the European Union, European legislation relating to Northern Ireland has been turning into a motorway. The Bill will allow us to prevent that from happening, in the interests of the people of Northern Ireland and the United Kingdom as a whole.

One example of EU law that is on the way to being imposed on Northern Ireland was presented to the European Scrutiny Committee just last week, but there is a whole stack of them piling up. This is only one of a continuous stream of regulations, and is known as the construction products regulation. It will become the law of Northern Ireland. It consists of 120 pages and seven annexes. This has to stop, and so does the peril of the democratic deficit that goes with it. It must be borne in mind that such legislation—and there are at least 40 examples in the pipeline—is made by majority vote of all the 27 countries in the European Union, made in the Council of Ministers of the EU, and made behind closed doors and without even a transcript. That is how the United Kingdom was being subjugated by the EU since 1972.

As for international law, there are numerous precedents in which our pre-eminent judges, such as Lord Denning and Lord Diplock, have made it completely clear that international treaties are subject to parliamentary supremacy, and similar principles were enunciated by the judges in the recent unanimous decision in the case of *Miller*. The principles that underlie this Bill are sovereignty, our national interest, and the need to protect Northern Ireland as part of the Union and, in particular, the Good Friday agreement. That is why the Bill is so necessary.

We have been prepared to negotiate over the past two years and more, but our attempts have been rebuffed by intransigence and the EU's refusal to renegotiate its mandate. We had to draw the line. Ultimately, this has become a matter of necessity consistent with international law itself. Indeed, in 1937 Mr de Valera himself repudiated the Anglo-Irish treaty of 1921 in fundamental respects when setting up the constitution of the Republic in its own national interest. We want good working relations with the Republic and with the European Union, but not at their price. It is well reported that one of the key EU negotiators indicated at the outset of the negotiations on these matters that the price of Brexit would be Northern Ireland. That will not be the case, and this Bill will ensure that it does not happen.

7.27 pm

**Stella Creasy** (Walthamstow) (Lab/Co-op): It is a pleasure to follow the hon. Member for Stone (Sir William Cash). He brought to mind the importance of the warning that George Orwell gave us not to confuse nationalism with patriotism, which I think we all need to bear in mind during this debate. He wrote:

“One prod to the nerve of nationalism and the intellectual decencies can vanish, the past can be altered, and the plainest facts can be denied.”

Let me, in the time that I have today, try to do justice to what Orwell warned us about.

This situation has been caused by Brexit, because it was Brexit that led to the need for us to negotiate the Northern Ireland protocol. If we do not acknowledge that, we cannot start to deal with the problems that we have created ourselves. I say “ourselves” because this Government knew in advance of the problems that would arise in these circumstances. When, on 19 October 2019, the Prime Minister stood up and told us of a deal that would “heal this country”, he was not being truthful about the consequences that they themselves predicted. The question before us now is this: will the

[Stella Creasy]

Bill make finding a solution to these problems easier, or will it inflame further an already delicate and difficult situation?

We know that the Government need the bogeyman of Europe to distract people in this country from its domestic woes, but the people of Northern Ireland deserve better from all of us. If the Government were really doing their job, they would put Northern Ireland at the centre of this conversation. They would start by bringing more of the Northern Irish communities into the conversation and the negotiation, and then go to the European Union to hear what it was saying. However, that is not what we are seeing at present.

There are five examples, from this legislation alone, of how the Government are not being intellectually decent. They cannot tell us why the Bill is a necessity—why they need this power rather than the powers that they have already been given in article 16 of the protocol to act to safeguard the UK. That, surely, was about remedying the situation, but the Bill will drive a coach and horses through the proposals that we currently have.

The Government could also start with article 16, rather than making us drag this proposal through Parliament over many months before they would get the remedies they are talking about, if they really cared about the people of Northern Ireland. If this Bill is a necessity, why is it giving Ministers huge sweeping powers that will change the rules on state aid and allow the UK courts not to send questions about the interpretation of the protocol to the European Court of Justice? The EU has never refused the UK permission to bring in a measure under the article 10 state aid rules, yet somehow this is what the Government think they need to do for the people of Northern Ireland.

The Bill will also give sweeping powers to Ministers to do things in terms of the EU protocol without any consultation with the people of Northern Ireland and without any agreement with this House at all. Why do the Government say that they need the powers under clause 19 to implement a new power or protocol without bothering to go through the parliamentary process? After all, we went through the withdrawal agreement in a few weeks and we went through the trade and co-operation agreement in a day. What is it about scrutiny in this place that this Government are frightened of? Why do they have to bring a sledgehammer to crack a nut by giving Ministers these wide powers? As the Treasury Solicitor himself said, clause 18 is the “do whatever you like” power. Others call it a Charles I power. If Ministers can do that in Northern Ireland, what will they do to the rest of the UK?

Everybody in this House must recognise that this Bill’s implications go further than Northern Ireland. When we trash our reputation on international agreements, we trash our opportunities to make the trade deals that our constituents will depend on and we risk the spectre of a trade war when this country is already dealing with the consequences of the increase in the cost of living directly caused by the impact that Brexit is having on food prices in our country—let alone the message that we send to President Putin when we try to stand up to him in one place but in another say that international rules of law do not matter.

The people of Northern Ireland are being let down by this legislation, as are the people in every constituency in this country. The failure to find a solution that puts the people of Northern Ireland front and centre of negotiating a solution for their future lets down everybody in this Chamber. We can and should do better. Everybody in this House knows that, but will we have the bravery to listen to George Orwell, to stand up to those scoundrels who quote patriotism when they mean nationalism, and finally to put doing the right thing first? I fear that in this place we will not, but I have hopes for the other place. I certainly know that many of us will not stop standing with the people of Northern Ireland and the people in our communities who will be affected by this legislation and by the implications—[*Interruption.*] And we will stop laughing at the British public when they are frightened about what this place is doing, and start asking what we can do to make things better. Naming those problems is a starting point. When we have people who are addicted to power and addicted to using Europe as a bogeyman, rather than solving those problems, it behoves all of us to say that enough is enough.

7.32 pm

**Sir Roger Gale** (North Thanet) (Con): While I understand the reason for his absence, I rather wish that it had been the Prime Minister and not the Foreign Secretary who introduced this Bill tonight, because when he took office the Prime Minister told us that he had an “oven-ready” deal and I believe I am right in saying that he said there would be a border down the Irish sea over his dead body. The withdrawal agreement and the protocol were freely entered into. The Prime Minister and David—now Lord—Frost brought that document back in triumph and campaigned on it in the 2019 election campaign. It subsequently went through this House with a large majority. I know that only too well because I was sitting in the Chair you are sitting in now, Mr Deputy Speaker, when I announced the result of that vote. But the Government were warned that the deal was flawed. My right hon. Friend the Member for Lagan Valley (Sir Jeffrey M. Donaldson) and others pointed out, before it went through this House, what was wrong with it. They indicated the dangers of the border down the Irish Sea, but they were not heeded. That is why we are here tonight.

This Bill breaches the Vienna convention on legal treaties. My right hon. Friend the Member for Maidenhead (Mrs May) spelled that out very clearly. There is no doctrine of necessity that applies in this case. Article 16 exists as a backstop—if I am allowed to use that word—and the case in law simply cannot stand up. That means that the Bill we are proposing to put through this House tonight will be a gross breach of international law if it is enacted and implemented.

**Angus Brendan MacNeil:** The right hon. Gentleman is absolutely right in what he is saying about the Bill. Does he agree that the UK Government will not be able to complain if the European Union chooses to cherry-pick and undo something unilaterally, because that is the precedent the Government are now setting? Anyone can do what they want.

**Sir Roger Gale:** I am grateful to the hon. Gentleman, but I think the rather more dangerous point, which has already been made tonight, relates to the damage that

this will do to our reputation for integrity and the position that we will find ourselves in when we criticise President Putin for breaking international law, which of course he does over and over again.

**Robin Millar:** Does my right hon. Friend really think that that is a fair comparison to make?

**Sir Roger Gale:** I gently suggest to my young friend that, if I had not thought it was a fair comparison, I would not have made it.

I feel very strongly that we are going down an extremely dangerous path. I believe passionately in the Belfast/Good Friday agreement, and we have to get back on track, but we are not going to make Maroš Šefčovič's job any easier by lumbering him with this legislation. I am sure that it will ultimately get through this House—whether it gets through the other place is another matter—but I hope very much indeed that an agreement can be reached before it becomes law. That agreement has to be reached by negotiation; that really is the only way forward. Some of the proposals in the legislation—such as the red and green routes—are sound and can be implemented. There is every indication that the European Union is willing to accept not all but at least some of those kinds of proposals, and I believe that that is the way forward. I do not believe that the Bill is the way forward and that is why, sadly, I shall not be supporting it tonight.

7.37 pm

**Sammy Wilson** (East Antrim) (DUP): I welcome this Bill, which is long overdue. It delivers on some of the promises that were made to get devolution restored in Northern Ireland but on which no action has been taken for the last 18 months. It is important for people to understand that it is essential for the restoration of devolution in Northern Ireland that the protocol issue is dealt with. That is because the very basis of devolution in the Belfast agreement is destroyed by the protocol. Unionist parties believe that the protocol is designed for the destruction of our place within the United Kingdom, that it is damaging our economy and hurting individuals, and that if the Assembly is up and running and the protocol is not dealt with, Unionist participation in the Assembly would mean that we had to facilitate the implementation of the agreement and acquiesce in other parties facilitating and implementing the protocol, which we believe is designed for our destruction. No other party in this House would enter a coalition arrangement—don't forget, this is a mandatory coalition; we have to be there—where it was obliged to support, facilitate and undertake policies to which it was totally opposed. That is why devolution will not be restored until the protocol issue is dealt with.

Much has been said today about having flexibilities in the checks on goods, but it is not just about that. The whole issue of the protocol is that it undermines democracy in Northern Ireland. It imposes foreign law on Northern Ireland and on companies that do not even trade with the EU. It is not necessary for them to comply with that law, yet the protocol requires them to do so.

**Paul Girvan** (South Antrim) (DUP): It is worth noting that not one Unionist party has approved the protocol. We are all united against it. The protocol has virtually created an economically united Ireland, and the EU is

party to driving that forward with the Republic of Ireland in the negotiations, which has created a major problem. Not one constituency in this Parliament does not have people who are finding it difficult to supply goods to businesses in Northern Ireland.

**Sammy Wilson:** My hon. Friend makes an important point. Only the Social Democratic and Labour party has suggested tonight that there are no problems with the protocol. Every other party now accepts that, to one degree or another, there are problems caused by the protocol, which is one of the issues we have faced in these negotiations. The Irish Government, through their Foreign Minister, have patronisingly come to Northern Ireland to tell us, "You don't really know what you're talking about. There isn't a problem." Of course that has fed through to the EU negotiators, which is one reason why it is important that we have this Bill.

I have listened to Labour Members ask, "What about article 16?" The first people to squeal if the Government had invoked article 16 would have been the Labour party. The hon. Member for Walthamstow (Stella Creasy) talked about consulting the people of Northern Ireland, but she did not care too much about consulting on abortion. Now she is, as a Labour Member, appealing to the toffs down the other end of the building to defeat this Bill.

**Mr Deputy Speaker (Mr Nigel Evans):** Order. I think the right hon. Gentleman is talking about Members of the other place.

**Sammy Wilson:** I am.

**Stella Creasy:** Would the right hon. Gentleman be opposed to bringing more representatives of the Northern Irish political parties into the joint working groups to solve this problem? Is he actually saying that he does not want a voice in this and that he just wants to shout?

**Sammy Wilson:** The people of Northern Ireland recently spoke in an election, and the Unionist population made it quite clear that they will not accept the protocol.

**Angus Brendan MacNeil:** On a point of order, Mr Deputy Speaker. I am grateful to the right hon. Member for East Antrim (Sammy Wilson) for setting the parliamentary precedent that we are now allowed to refer to the House downbye as the "House of toffs." I think that is a rather good suggestion.

**Mr Deputy Speaker (Mr Nigel Evans):** The hon. Gentleman will find it was corrected to "Members of the other place" or even "noble Members of the other place." Toffs? No.

**Sammy Wilson:** I do not know whether "noble toffs" is acceptable, Mr Deputy Speaker.

Members have argued that surely we can do this by negotiation, so let us look at the record. The EU has said not once or twice but every time that it will not renegotiate the text of the protocol. The EU has said it every time it has visited Northern Ireland and every time it has met Government representatives. In fact, the EU has now gone further and is taking us to court to impose more checks.

[Sammy Wilson]

The result of removing the grace periods would be to increase the number of checks per week for goods coming into Northern Ireland from 6,000 to 25,000. This is hardly flexibility from the EU. Indeed, the EU recently wrote to the Government to demand checks on not only goods but people on ferries or airplanes from GB into Northern Ireland. The EU is demanding that people's personal baggage is searched to make sure they are not bringing in sandwiches or whatever else. Constituents told me this week that such searches have already started in Cairnryan. This is not flexibility but a hardening of attitude by the EU.

Whether by triggering article 16 or through negotiation, we all know what the outcome will be, and that is why the Government have had to take this unilateral action. The Government are not abandoning their obligations. In fact, they are honouring their obligations in two ways. First, they are honouring their obligation to the EU in so far as the single market will be protected by the goods going through the red lane, by the imposition of fines on firms that try to avoid the checks and by the requirement on firms in Northern Ireland that want to trade with the EU to comply voluntarily with all EU regulations. That safeguards the EU market, so we are living up to our obligations to the European Union.

At the same time, the Government are living up to their obligation to the people of Northern Ireland, because the green lane or free lane—or whatever they want to call it—enables goods to come into Northern Ireland without any checks. It does not require the imposition of EU law on the 95% of firms in Northern Ireland that do not trade with the Irish Republic, and it ensures that judgments on whether the law has been broken are made by courts in the United Kingdom, albeit with reference to decisions made by the European Court of Justice.

If one looks at this Bill objectively, rather than through the eyes of those in this House who think we should have remained and still want to act almost as agents of the EU, it will help to restore devolution, it will ensure the integrity of the United Kingdom and it will protect the European single market.

7.46 pm

**Craig Mackinlay** (South Thanet) (Con): Everyone in the House this evening should remember what this is all about. It is about protecting the Good Friday agreement of 1998—nothing more and nothing less. As a mere lad born in 1966, I lived through those times on this side of the pond. To have peace on that island after so long was a prize worth having by all.

The right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) said that this was about the situation in which Northern Ireland finds itself, of having regulation without any representation at all. The Northern Ireland protocol contains many articles and provisions, and I assume they have an important basis. Article 1 says most clearly:

“This Protocol is without prejudice to the provisions of the 1998 Agreement in respect of the constitutional status of Northern Ireland”.

Article 13.8 could not be clearer:

“Any subsequent agreement between the Union and the United Kingdom shall indicate the parts of this Protocol which it supersedes.”

Article 16 is the safeguarding clause. Let us not forget that only one party has thus far reached for article 16, and that was the European Union to try to stop us having life-saving vaccines. That is who we are dealing with here.

Article 164(5)(d) of the withdrawal agreement says what the Joint Committee can and cannot do. The Joint Committee can agree to change the text of the protocol to address deficiencies or to address situations unforeseen. There are Members of this House who will say, “Well, you signed it. It is international law.” That is fair enough, but the draconian way in which the EU has interpreted its rights under this protocol is disproportionate. How can it be that goods crossing from GB to NI, which is a mere rounding error in the entirety of trade within the European Union, suffer a full 20% of checks? That cannot be proportionate or reasonable.

I will tell Members why we are in this situation. It is because of animosity towards Brexit. This is about punishment because the EU can. We got to this stage because of the legal straitjacket that the Parliament of 2017 to 2019 put us in, when Members of this place did all they could to make sure that the cards were stacked in the hands of the EU and against this place, and we had a very poor game to play. Do not forget that EU officials were quoted as saying that Northern Ireland was the price to pay for Brexit.

Where do we go from here? We have had 300 hours of negotiation by Lord Frost and our Foreign Secretary. What does Maroš Šefčovič say? He says, “I have no mandate.” Well, please, EU, give us somebody who has that mandate. Let us have that negotiation, because this cannot continue.

We have heard much this afternoon about necessity, and I feel that the clause of necessity has most certainly been reached. The usual doctrine of our constitution says that subsequent legislation is more important than or overwrites previous legislation, but we need to ask ourselves something really important. What is the most important legislation? Is it the constitutional Act of Union 1800? Is it the Good Friday agreement, which has brought peace to the island of Ireland? Those things have been set aside—particularly the Act of Union—by the Court of Appeal in Belfast. Or is it more important to somehow save the dear European single market from the threat of an errant pork pie? That is what we are looking at.

The EU should take great comfort from those on the Government Front Bench. I have heard the Foreign Secretary and others say throughout that this Bill will protect the single market, including with powers against those who may seek to undermine it. We will have full legal measures to stop those who want to break the rules. The EU should take every comfort that it needs from that, because this has nothing to do with upsetting the single market.

I believe that there is a little bit of timidity in this Bill, and I would have preferred it to go further. I see some difficulties with the red and green lanes, because if the EU does not trust us now, I find it hard to believe that it is going to trust us in the future. We need mutual enforcement, where we trust it and it trusts us. That is what people do across borders.

We are the Conservative and Unionist party. I look across the Chamber to my Unionist friends and say: I am with you. I will fight for this Union, and this Bill will help.

7.52 pm

**Layla Moran** (Oxford West and Abingdon) (LD): I have to say that there are elements of this debate that feel a bit like a bad sequel. We thought that the Brexit debates were behind us, but instead we see a Government intent on reopening old wounds to save their own political skin, rather than looking forward and solving the issues facing the country now. People are in crisis here and now. The cost of living crisis is real, but what is the Government's response? Rather than spending time focusing on that, they are renegeing on an international agreement and risking plunging us into a trade war with our biggest trading partner. As a result, the Bill will only increase blocks and barriers against imports and exports, and that in turn will cause prices to rise even further. That is the last thing that farmers, fishermen and families up and down the country want.

Businesses in Northern Ireland do not want it, either. The UK Trade and Business Commission, of which I am a member, has taken evidence from people and businesses in Northern Ireland over the last year. One leading service provider told us that unfettered access to both the UK and the EU single market has benefited the Northern Irish economy. Another witness told us that support for the protocol is growing in Northern Ireland precisely because it protects the Good Friday agreement and brings economic opportunities. It is for that reason that the majority of Members of the Legislative Assembly support the protocol.

That said, no one is suggesting that there are no issues. We knew that we would have to go into further negotiations. Let us start with a sanitary and phytosanitary agreement. Doing that is going to be difficult, but how do we do it without basic trust between both sides? I ask the Minister: how does breaking international law increase trust between negotiating partners? It does not. We knew that this was going to happen, because the Treasury highlighted in its 2019 impact assessment what the protocol would do. It said that the protocol would be disruptive, particularly to Northern Ireland businesses. It is extraordinary that it is only now that the Government seem to care about cross-community consent, because most people in Northern Ireland voted against Brexit, and even more voted against the hard Brexit chosen by this Government, and yet the Government went ahead anyway. To be fair to the DUP, it voted against the withdrawal agreement. It was clear before the Prime Minister signed it that the protocol did not have cross-party consent.

What has materially changed since then? The answer is the Prime Minister's position. And so what does he do? He breaks the law—again. This is an egregious breach of international law. Article 25 of the International Law Commission's text on internationally wrongful acts of state allows a breach of international obligations only where it is

“the only way for the State to safeguard an essential interest against a grave and imminent peril”.

Others have already explained why this is not the only way. Furthermore, article 25 states that necessity may not be invoked when

“the State has contributed to the situation of necessity.”

How can anyone claim that we did not know? The Government signed the agreement and it was debated to death in this place all through the Brexit years. To suggest that this is new information is doublespeak—it

is straight out of Orwell's “1984”. Moreover, despots across the world will be delighted. How on earth can we hold others to account when we are tying ourselves up in knots, trying to find loopholes to get out of the agreements that we sign? This is how banana republics act, not Great Britain. The world looks to us. Can they trust us, they ask, when they want to make trade agreements with us? It is that trust that is being eroded today in this Bill.

This is being noticed on the ground. It would be remiss of me to not mention my hon. and gallant Friend the Member for Tiverton and Honiton (Richard Foord), who joined our Benches today. Like many in this House, including Government Members, I was there, knocking on doors, and this came up—trust in this Government, trust in this Prime Minister. This Government breaking international law is par for the course.

This Bill is a disgraceful course of action, and I and the Liberal Democrats will vote against it, because we are a party of law and order. We believe in the international rules-based order. The Government should withdraw this Bill and get on with tackling the cost of living emergency and safeguarding the interests of the whole of our nation.

7.58 pm

**Aaron Bell** (Newcastle-under-Lyme) (Con): May I begin, just as the Foreign Secretary did, with the Good Friday agreement? There is common cause across the House that that is the sacrosanct treaty that we in this place really must uphold. Obviously, where there are competing treaties, there have to be mechanisms to decide between them, as DUP Members have said.

As the Foreign Secretary said in her piece in yesterday's *Financial Times*:

“The protocol was not set in stone forevermore on signing. It explicitly acknowledges the need for possible new arrangements in accordance with the... (Good Friday) Agreement.”

As she has said, our first preference is to renegotiate the text with the EU. We have been working at that for a year and a half, but we have not been able to do it. The EU has not been engaging, as recently as this weekend, she said. To quote another piece, written by my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill):

“A good deal of the blame lies with the needlessly rigid and inflexible approach adopted on the EU side.”

I could not agree more. We really need to get negotiation going, and I will speak about negotiation for most of the rest of my speech.

This is a Second Reading debate—nobody expects the Bill to be rammed through the Commons, let alone Parliament, in short order. I understand the arguments that have been put forward throughout the House, including by many learned and senior colleagues on the Conservative Benches, but I will not stand here and undermine and circumscribe the Government's negotiating position with the EU.

My hon. Friend the Member for North Dorset (Simon Hoare) questioned whether the Bill is a bargaining chip; if we are to have a negotiation, I would rather have as many bargaining chips as possible. I tried to intervene on him during his speech but he would not take my intervention. The fatal mistake that the previous Parliament made between 2017 and 2019 was that too many Members

[Aaron Bell]

tried to circumscribe the Government's negotiating position, to undermine our position and to take the EU's side. The current Leader of the Opposition and the former Leader of the Opposition, the right hon. Member for Islington North (Jeremy Corbyn), posed with the EU negotiating team, undermining what the Government were trying to do.

**Martin Docherty-Hughes** (West Dunbartonshire) (SNP): The hon. Gentleman makes a point about Members of this House. Does he believe in parliamentary sovereignty? If he does, he will understand that Members had every electoral right to do as they did.

**Aaron Bell:** I completely agree with parliamentary sovereignty. I also believe that no Parliament can bind its successor and am pleased that, following the results of the 2019 general election, we have a much more reasonable Parliament on these matters than we had previously. I might add that we now have a Speaker who is much more reasonable on these matters. The previous Speaker completely undermined what the Government were trying to do in that Parliament. Negotiation is about achieving a win-win. We do not do that by undermining our own position.

**Jonathan Gullis** (Stoke-on-Trent North) (Con): Give him a job!

**Aaron Bell:** I am not going to take a job, thank you very much.

I agree with my right hon. Friend the Member for North Thanet (Sir Roger Gale) that the Northern Ireland protocol was flawed, but that was because of the antics of the previous Parliament. As my hon. Friend the Member for South Thanet (Craig Mackinlay) said in his speech a few moments ago, the antics of that Parliament created the unsatisfactory need for the protocol in the first place.

In reality, we need to go right back to the start of the negotiations. I have a huge amount of time for the former Prime Minister, my right hon. Friend the Member for Maidenhead (Mrs May), but the reality is that the sequencing decision in that first summer of 2017 was where it all started to go wrong. We should never have allowed Northern Ireland to be split apart from the negotiation in the way we did. We should have found a way and we would not have had the problems with the protocol that we now see. That is what led us to this position.

The EU has been using the negotiations, or the lack thereof, in bad faith. They have resisted co-operation with the Government even in areas where we ought to have simple mutual advantage. I speak in particular of the Horizon programme, which we on the Science and Technology Committee have considered at great length. I would like to see that programme reinstated and it is a shame that the EU is using the Northern Ireland protocol issues to resist that.

To conclude—[HON. MEMBERS: "More!"] Members can have more. The Bill contains solutions to the four principal issues with the protocol—customs, regulation, tax and spend and governance—but I fervently hope that in the end we will not need to pass it. I hope the Bill unlocks the negotiations with the EU, thereby leading

to a result that is mutually satisfactory for not only the Government and the EU but, most importantly, for the people of Northern Ireland: nationalists and Unionists alike. It should be a device that brings people together and kick-starts negotiations.

I stand in the same position as my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland), who made exactly this point in summing up: the Bill is perhaps a negotiating device and it is also a backstop in case the negotiations fail. I support it on both bases and I will support the Government in the vote tonight.

8.3 pm

**Stephen Farry** (North Down) (Alliance): This is an extremely bad Bill. It is unwanted, unnecessary and, indeed, dangerous. A number of Members have referred to Orwellian double-speak; we should add that there is also some Alice in Wonderland thinking to what is happening here.

The Foreign Secretary's approach to opening this debate was deplorable and did not take the issues entirely seriously. As well as the process by which she has reached this point being extremely disappointing, her engagement in Northern Ireland has been incredibly selective. She has chosen an echo chamber to reinforce her own prejudicial views on the way forward rather than to engage with the entire community in Northern Ireland.

The Bill is opposed by a majority of Members of the Northern Ireland Assembly and, indeed, of voters in Northern Ireland. The business community is deeply concerned about many aspects of the Bill and it is not even effective in getting the DUP to recommit to an Executive. Some Members have lauded the words today from the DUP leader, the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson), but if Members listen carefully and read *Hansard*, they will find that what he said was full of ifs, buts and maybes. If Members read those words carefully, they will see that they do not commit to returning to the Executive any time in the near future.

**Ian Paisley:** Such a cynic!

**Stephen Farry:** I hear those words from the Bench behind me rather than anyone trying to refute what I am saying. That tells its own story.

The protocol is a consequence of the Government's decisions on Brexit, and particularly of the decision to go for a hard Brexit. It also reflects the fact that the DUP pursued Brexit without any real consideration of the impact on Northern Ireland and the reality that any hard Brexit would require some form of special arrangements for our part of the world. A hard Brexit poses some particular challenges to the whole notion of a shared and interdependent Northern Ireland. It has to be recognised that Northern Ireland is a diverse society. The protocol is by no means a perfect solution, but it offers Northern Ireland the opportunity of a soft landing, given all the tensions Brexit brings to it. It brings opportunities in terms of dual access to both the GB and EU markets, but of course it also has its challenges. We must do all we can not only to maximise the opportunities but to address the challenges.

The Bill is very far-reaching. It immediately disappplies some aspects of the protocol and gives Ministers the ability to disapply others. It brings major consequences: it threatens Northern Ireland's access to the EU single market for goods. The business community sees the dual regulatory system as unworkable. I hope that Ministers have heard from the Dairy Council, the meat producers, the Northern Ireland Food and Drink Association and Manufacturing Northern Ireland, all of which have expressed major concerns in that regard.

The loss of the jurisdiction of the European Court of Justice will also bring consequences. The protocol is not the same as a free trade agreement: it is a different type of beast. It is about us having access to the single market as a region. It is not a neutral situation that we have to almost tolerate; it is to Northern Ireland's benefit because the most likely outcome is a situation in which other parts of the European Union do not treat Northern Ireland's goods as having free access. We may need the European Court to enforce access for our businesses, so let us not throw it away without thinking through the consequences.

The Bill risks a trade war with the European Union—I do not want to see that but it is a potential risk—and undermines relations with the United States of America. The rules-based international order is of fundamental importance to the UK and the wider world and we mess with it at our peril. The Government have been disingenuous in a number of aspects related to how they have sought to defend the Bill. This is not about defending the Good Friday agreement. Brexit was a threat to the Good Friday agreement; the protocol is a response to protect it against that situation. There is not a choice between the protocol and the Good Friday agreement; the two can be reconciled if people wish.

**Sir Jeffrey M. Donaldson:** The hon. Member says that the protocol is designed to protect the Good Friday agreement. The north-south institution has collapsed, the Assembly is not meeting, the Executive is not functioning adequately and, in the words of the Irish Foreign Minister, east-west relations are at their lowest ebb for years. How is the protocol doing in protecting the Good Friday agreement?

**Stephen Farry:** I rather suggest that the right hon. Gentleman lies at the heart of all four of the outcomes he just listed, in the sense that DUP Ministers pulled out of the north-south institutions, they pulled out of the Executive, they are not allowing the Assembly to meet and, frankly, east-west relations have been poisoned by both the Government and the comments from a number of Unionist Members in Northern Ireland in recent years.

On the other issues used to justify the Bill, one of the first things the Government say is that they cannot reduce VAT on renewables in Northern Ireland—"This is an outrage!" I have looked into the matter, and the Government's own figures suggest that the entire net value of the measure for Northern Ireland is a sum total of £1 million per year. The Government also have the option of going to the European Commission to ask for flexibility. Have they done that in the past three months since the Chancellor made the announcement? No, they have not. It is clear that they prefer to have this manufactured grievance rather than trying to find a genuine solution.

The Government say that no proper negotiations have happened over the past 12 to 18 months. Why is that the case? The Government have not approached the matter in good faith, so negotiations have stalled. They now say that they cannot proceed unless the EU says it is up for the renegotiation of the protocol. That denies the fact that there are three different ways in which things can be fixed that are all consistent with the protocol as it currently stands. First, there are flexibilities inside the protocol. We have already seen progress on the issue of medicines, but the Government, for their own reason, refuse to acknowledge the progress that has been made. I wonder why that is the case.

Secondly, I agree with other Members that article 13(8) of the protocol exists to allow the protocol to be superseded in whole or in part. I understand that that was put into the protocol at the request of the UK Government. That provision can be used but it has to be done by negotiation and mutual agreement.

Thirdly, we can do things in terms of supplemental agreements to the trade and co-operation agreement, such as a veterinary agreement. Again, those options have not been pursued. There are plenty of options out there that the Government can pursue entirely in keeping with the EU's current negotiating mandate. People say that there is no alternative to this Bill, but there is: it is to go back and negotiate in good faith to build trust and partnership with the European Union.

Let us think about this for a second. Will this Bill improve trust and partnership? Will it make those negotiations any easier? No, it will make them harder, because every practical solution that I agree with depends on the EU and the UK trusting each other, and that is not where the Government sit tonight.

8.10 pm

**Andrew Bowie** (West Aberdeenshire and Kincardine) (Con): In rising to speak this evening, I find myself, unusually, in disagreement with my right hon. Friend the Member for Maidenhead (Mrs May), and in agreement—in part at least—with the hon. Member for Gordon (Richard Thomson). I am in agreement only in part because he said in his speech earlier today that we bandy around phrases such as "our precious Union" and "the integrity of our Union" quite a lot in this House, but it is quite clear that not everybody understands what is meant by the "Union" or its "integrity", so much so that I worry that the meaning—the importance—has indeed been lost.

None the less, the Union does mean quite a lot to those of us who are in politics, because we are fighting every day to maintain it: to retain our national identity and to retain the right, which we all have in this country, to say that we are British, or that we are of this United Kingdom. We may be Scottish, Northern Irish, Welsh or English, but we are also British, and all else is secondary to that.

I sympathise with those in Northern Ireland who were alarmed to hear the British Government claim in court that the Northern Ireland protocol "temporarily suspended" article VI of the Act of Union. Article VI created the internal market of the United Kingdom and was designed to give Ireland—now Northern Ireland—residents equal footing with regards to trade, and guarantee equal footing in all future treaties with foreign powers.

[Andrew Bowie]

To those of us who hold most dear the notion that all in these islands are equal and that all are held in parity of esteem, that article is fundamental to who we are as a people. That is why it is not surprising that those who want to break this Union, to remove that right, to take away our identity, to remove the right to call ourselves British, from those of us who hold that right most dear are against that move today.

The SNP may couch its opposition to the Bill in legalistic language and it may claim, as it did in its amendment, which was not selected, that it was against this Bill because it was against international law—

**Martin Docherty-Hughes:** Will the hon. Gentleman give way?

**Andrew Bowie:** I will give way as the hon. Gentleman represents the SNP.

**Martin Docherty-Hughes:** If the hon. Gentleman is protecting what he and I would both agree is the Treaty of Union, why does he not extend the protocol, even as reformed by the Government, to Scotland, which, like Northern Ireland, voted to remain in the European Union?

**Andrew Bowie:** It might have passed the hon. Member's attention that we actually had a referendum in Scotland in which the people of Scotland voted to remain in the United Kingdom. The reason why it was extended to Scotland is that Scotland voted to remain in the United Kingdom, and the United Kingdom voted as a whole to leave the European Union. He really must catch up. It was eight years ago that we had that argument—and we won.

The SNP is against the Bill because, as it says in clause 1, the introduction, it

“provides that enactments, including the Union with Ireland Act 1800 and the Act of Union (Ireland) 1800, are not to be affected by the provision of the Northern Ireland Protocol”.

In effect, the SNP is against the Bill because it affirms our Union and protects its integrity, which is a very bad thing indeed for the separatists.

We, myself included, did vote for the protocol. But, as we have heard numerous times today—I will not waste the House's time by rehashing the examples that we have already heard—it is not working. Rightly or wrongly, true to previous international obligations or not, whether we like it or not, whether we would rather it were different, whether we brought it upon ourselves or think it the fault of others, the protocol is not working. And almost everyone acknowledges that. The European Union, albeit tacitly, acknowledges that. The protocol fails to meet its first objective. It says, as specified in article 1, paragraph 2 of the protocol itself:

“This Protocol respects the essential State functions and territorial integrity of the United Kingdom.”

And that is before we even look at whether it passes its own tests regarding trade. It says:

“Nothing in this Protocol shall prevent the United Kingdom from ensuring unfettered market access for goods moving from Northern Ireland to other parts of the United Kingdom's internal market.”

It is hugely frustrating that the Commission refused to change the mandate of its representative in the talks, Maroš Šefčovič.

Everyone wants to see a negotiated solution to this. The European Union reopens agreements and negotiates changes with international partners all the time. It is almost certainly the world record holder in reopening international agreements. Having been in Brussels recently and spoken to colleagues in the European Parliament about this, I simply cannot understand the outright refusal to do so on this occasion, particularly when there is provision in the actual protocol to do just that. I do wonder whether all the Opposition's strenuous efforts in demanding that we negotiate a solution might be better directed in calling for the EU to come to the negotiating table with a mandate to do just that. We cannot negotiate when there is nothing to negotiate about.

I am pleased that the Government have introduced this Bill. We need to resolve the issues of east-west trade. For the people of Northern Ireland, we must see a return to devolved government at Stormont. We must restore the primacy of the Good Friday agreement and we must ensure that parity of esteem for all people on these islands is held dear. I would rather that we did not have to introduce this Bill, but the refusal of the EU to come properly to the negotiating table is a huge frustration, so acting as they are is the Government's only option. That is why I am proud to be supporting the Bill this evening.

8.16 pm

**Paul Blomfield** (Sheffield Central) (Lab): This Bill says everything about the sorry state of this Government. It is not about solving the problems of the protocol, which of course the Government themselves created, but, like the Rwanda plan, the human rights proposals and the handling of the rail strike, it is another wedge issue. As the right hon. Member for Hereford and South Herefordshire (Jesse Norman) said, instead of getting to grips with the problems they are facing, this Government are

“simply seeking to campaign, to keep changing the subject and to create political and cultural dividing lines”

for their advantage and that of the Prime Minister.

There is no dividing line that the Government like better than Brexit, so here we are again, picking a fight with the EU. It is surely no coincidence that last week's by-elections were scheduled by the Government on the anniversary of the referendum. In the run-up, we had not only the launch of this Bill but the increasingly ridiculous so-called Minister for Brexit Opportunities rolling out his equally pointless Brexit dashboard. But it did not work. People want the Government to stop banging on about Brexit and start coming up with real answers to the problems they face, and that applies to this issue, too. This Bill is not about fixing the problems arising from the protocol—and there are problems. They are flaws that the Prime Minister negotiated, and he knew what he was doing.

Our membership of the EU provided an ideal framework for the Good Friday agreement through a shared market with common rules. Unpicking it was always going to be difficult, because there were only three choices: land border, sea border or some form of all-UK alignment.

The Prime Minister made his choice. He negotiated a sea border. He knew that it involved checks, and then he lied to the Unionist community about it. We argued that it would damage the Union, but the Prime Minister went ahead and, having played his role in creating the problems, he is now exacerbating them. Ministers are choosing to bypass the existing mechanisms for resolution that they agreed to when signing up to the deal, and to put political self-interest over the national interest. As they did with the internal market Bill's first iteration, the Government are willing to undermine the peace process in Northern Ireland, provoke a row with our closest allies and most important trading partners in Europe, and anger our friends in the United States.

There are practical solutions to the problems with Great Britain-Northern Ireland trade, and my right hon. Friend the Member for Leeds Central (Hilary Benn) outlined them, but it seems as if this Government do not really want a solution. Seeking to remove the role of the European Court of Justice feels like a deliberate provocation from a Government wanting a fight. Manufacturing Northern Ireland, representing a key section of business, said that it is a "Brexit purity issue". Its chief executive explained:

"No one in business has raised the issue of the ECJ oversight as a problem for them in my presence. It is purely a political and sovereignty issue, and not a practical or business issue."

Why are we back at provocation rather than negotiation? Because provocation is this Government's approach: lecturing the world on the rule of law, but renegeing on international treaties and trashing our reputation on the world stage. When they took the United Kingdom Internal Market Bill through the House, the Government learned the hard way, and they rowed back on the most egregious parts of the legislation. Frankly, it is more than tiresome to be going around this loop again—it is deeply irresponsible.

There are proposals that form a basis for agreement with the EU. The UK Trade and Business Commission, which has been mentioned and of which I am a member, along with representatives of every political party in this House and a cross-section from business, has listened to the voices of business on the issue. The chief executive of the British Meat Processors Association told us that the cost of exporting food has gone up considerably and described the rules the Prime Minister negotiated as a "monster of a system", but one that could be simplified through a veterinary agreement.

The director of the Chartered Institute for Environmental Health Northern Ireland said:

"The Government has repeatedly stated that it will not compromise on our food standards and on health protection, but it has singularly and spectacularly failed to legislate for that."

He continued by saying that

"that goes back to the need for proper robust veterinary agreements and standards that I would argue, let's aim for surpassing the standards within the EU, let's have the best food and environmental standards in the world, because that will ultimately add value to our food products."

Those involved are clear that an agreement with the EU on veterinary standards and non-regression would allow us to reach the highest possible standards. It would reduce checks, it would reduce costs for businesses and it would not involve this fight. It could be done quickly—certainly much more quickly than the months of Government posturing that we can look forward to with this Bill.

Last week's elections confirmed just how out of touch this Government are with the public, and not only in Great Britain: in Northern Ireland, polling carried out last month showed that the cost of living, the health service, education, the economy and jobs are higher concerns for the people of Northern Ireland than the protocol. Ministers should focus on addressing those issues and commit to sensible negotiations on the protocol, dropping this reckless approach.

There have been many powerful and thoughtful speeches from hon. Members on the Government Benches this evening. I hope that they will follow their words by joining us in the Lobby tonight and putting an end to this nonsense.

8.22 pm

**Sir Robert Neill** (Bromley and Chislehurst) (Con): This is a profoundly serious debate, because it is a profoundly serious thing for any country to depart from its international obligations. It is not an impossible thing to do, but it is a profoundly serious thing to do, and it should be done only under circumstances of the most exceptional nature and on the most profound and compelling evidence. That, again, is possible, but we need to test whether we are yet there.

Against that background, I start by saying that everybody accepts the importance of the Northern Ireland protocol as an attempt to reconcile conflicts that were inevitable post Brexit, given the nature of the Brexit that was decided upon. Equally, we must be honest and say that, despite best endeavours, it has failed to reconcile those problems. Therefore, I accept as much as anyone that it does need to change, and change significantly.

I recognise that there are economic dislocations, not in all of the Northern Ireland economy, but enough for it to be a serious problem, and certainly the non-functioning of the Executive at the very least gives rise to the risk of real societal divisions and tensions. Those are circumstances where it is envisaged that there might be changes, but we have to think about whether we are acting proportionately and wisely in what we do.

Looking at the position legally, it is this: logically, there is already a route set out in the protocol by which these matters can be addressed. If there is to be change, there is of course provision in article 13.8 and subsequent articles, and I think article 164 of the withdrawal agreement, for changes to deal with "deficiencies, or...situations unforeseen." One might well argue that some of the ways the protocol has been interpreted—largely, I would accept, because of the intransigence frequently adopted by the EU side and the unwillingness to extend Mr Šefčovič's mandate—have contributed to that. That might make a case for acting under those articles.

I also accept that the protocol was never expected to be permanent; it was always envisaged that it could be changed. Equally, however, all that presupposed that it would be changed by negotiation, rather than unilateral action. That is the difficulty we must face here. How do we reconcile the primacy of the Good Friday agreement, which I accept both politically and legally, and the need for adjustment with maintaining our reputation as a country that sticks by its word? *Pacta sunt servanda*, as we all say.

How do we get around that? The Bill, as currently drafted, does not achieve that. It could do, were it to be amended, and that is why I do not take the view that we

[*Sir Robert Neill*]

should exclude the idea of legislation to act in the way envisaged, but it needs some serious thought. At the moment, as I have suggested elsewhere, it raises as many questions as it answers—and we do not have the answers.

If we are not to go down the route of renegotiated changes envisaged in the protocol, and there may be pressing reasons why that is not achievable in the timeframe available, we then have the ability under article 16 to take emergency safeguarding measures. Those have not yet been used. I agree with my right hon. Friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith) that that might be an appropriate route to use. It might not solve all the problems, but, for reasons I will come to, I would suggest that legally it would put the UK in a better position were it then to seek to go further.

If we are to rely upon necessity, as the Government do—I concede that it is a respectable and established concept in international law, but also one that, it is well known, must be used exceptionally and therefore rarely and with a high evidence threshold to be met—it would be much better to have exhausted all opportunities. Indeed, that is part of the doctrine. To invoke necessity, there must be a grave and imminent threat. I agree with my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland) that it need not be immediate, but it must be something more than merely contingent or a possibility, and it must be evidenced.

It seems to me that we do not yet have the evidence before us. Before this Bill passes its stages in this House, the Government, who are working on their evidence base and say they will be able to draw together the facts that can be applied to the evidence to substantiate the grounds of necessity, ought to come to the House with that evidence. Going forward, rather than having exceedingly wide Henry VIII powers, I would think it much preferable that we do as we did with the UK Internal Market Bill and require the Government, when they wish to disapply an element of the protocol, to come to the House and seek its endorsement, having presented that evidence to it.

Similarly, I do not see why clause 18, with such wide powers to do virtually anything, is acceptable—that should come back to the House—or why it is necessary in clause 20 to seek to oust the jurisdiction of the European Court at this stage. As yet, the potential jurisdiction of the ECJ is at least contingent and potential, and therefore not pressing and immediate in relation to the doctrine of necessity.

I will not support the Bill tonight, but I will not vote against it; I am deliberately abstaining tonight to see how the Bill develops. It could be amended into a workable form, but it comes with very many caveats and a lot of questions that Ministers need to answer. I hope they will seek to address those.

8.28 pm

**Bell Ribeiro-Addy** (Streatham) (Lab): This Government are making a habit of breaking the law. Only last Friday, the Home Secretary was found to be in breach of the law, and not for the first time, in relation to the Equality Act 2010 and the mistreatment of refugees. Overnight, we learned that the Prime Minister intends to be in breach of World Trade Organisation rules in

order to slap tariffs on steel. Here we are today with the Foreign Secretary telling us earlier that this Government will rip up the Northern Ireland protocol that they negotiated and voted for. This is clearly another breach of the law and a shameful hat-trick from the holders of three of the foremost senior offices of Government.

The Conservatives can keep trying to spin it however they like, but the bottom line is that the withdrawal treaty is an international treaty, and the unilateral abrogation of such a treaty, or any part of it, is a breach of international law. In addition to undermining any reputation for straight dealing the Government may still have, this also tarnishes the reputation of the country. It drives a coach and horses through the entire agreement that we have made with the European Union and it undermines the Good Friday agreement, with all the potentially serious consequences that that entails. It insults our intelligence when the Foreign Secretary claims that this is to protect the Good Friday agreement; it does the very opposite and she knows it.

The potential consequences of the Bill include, but are not limited to, the possibility of an all-out trade war with the EU, no trade deal with the United States, severe disruption to our trade when the economy is already suffering from Conservative economic mismanagement, and instigating political turmoil once more on the streets of Northern Ireland. The claims that the economy in Northern Ireland is suffering as a result of the protocol are completely false. North-south trade in Ireland is actually booming. It is the economy here that is suffering, because of Brexit. Ministers know full well that the majority of people in Northern Ireland voted against Brexit, by a much bigger margin than the Vote Leave campaign achieved, and they continue to elect a large majority of MPs and MLAs who oppose Brexit and support the protocol—but then this Government and their predecessors have never been over-concerned with democracy in Ireland. The reality is that the claim on which the Conservatives fought the election—that they would get Brexit done—was a great deception. Six years after the referendum vote, the Conservatives have gone through three Prime Ministers, and may soon be on their fourth, but still have not got Brexit done; we would not be here if they had.

The Foreign Secretary called herself a patriot and said that her party was the party of the Union, and firmly in belief and support of the Union, but the Conservative party can't be serious. We have a disastrous Brexit that they are now trying to fiddle with, a shoddy Government generally, shocking legislation that is just making nationalists' arguments for them, hostility to greater devolution, and ignoring of the views of people across the nations of this country. This Government are not a defender of the Union; they are probably the biggest threat to the Union of the United Kingdom that there has been in recent years. They are unwilling to face reality or to come clean with the people of this country. They are willing to risk peace in Ireland, to further damage living standards across the UK and to break the law in order to cling to office. To paraphrase one of their own, Winston Churchill, never in the field of international relations has so much been put at risk to the detriment of so many for the interests of so few. If it is not already abundantly clear, I am firmly against this ridiculous Bill.

8.32 pm

**Robin Millar** (Aberconwy) (Con): Before I start, I would like to comment on the quality of the debate that we have had. I have been really encouraged that Members in all parts of the House have contributed and we have heard many different views. This is a reflection, too, of the conversations I have had around this place over the past few weeks in the run-up to the debate. I welcome that engagement across the House on all these points.

At its heart, this is about the Union. It is a question of principle. The right hon. Member for Leeds Central (Hilary Benn) said that this was a Bill born out of desperation, not principle, but I would argue exactly the opposite. This starts with principle. For me, it starts with the ruling of the Northern Ireland Court of Appeal that the Acts of Union were subjugated by the Northern Ireland protocol. It is imperative, then—a point well made by the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson)—that while we consider issues of trade and the peace agreements, we also consider the integrity of the Union. All these are important and each must be addressed, but all can be addressed only if the integrity of the Union underpins them.

With regard to trade, the Bill restores free movement of goods within the UK. However, it also respects the integrity of the EU single market through the introduction of green and red channels. I would suggest that this meets the test set by my right hon. Friend the Member for Maidenhead (Mrs May) for delivering the aims of the Bill.

With regard to governance and jurisdiction, my hon. Friend the Member for Stone (Sir William Cash) mentioned the democratic deficit that exists within Northern Ireland. I would suggest that the Bill meets that requirement through rejecting the jurisdiction of the EU and the European Court of Justice because with that residents of Northern Ireland have no control over the laws that are set and that must govern them.

**Sir Jeffrey M. Donaldson:** I thank the hon. Member for his point. If I may, I will just return briefly to the point he made prior to that. At no stage has this Government or my party ever called for a hard border on the island of Ireland. That is why we support this solution, but is he aware that, by threatening retaliation, the only people who are now talking about a hard border on the island of Ireland are the EU? If it is a trade war, the EU will not leave the border unsupervised on the island of Ireland, and it has threatened to remove the right of Northern Ireland companies to trade across the border in those circumstances—that cannot be policed in any other way than on the border itself—so it is the EU that is threatening a hard border on the island of Ireland through retaliation and, by extension, it is threatening the Good Friday agreement.

**Robin Millar:** The right hon. Member makes a strong point that I will come on to address in just a moment.

I would make the case that the Bill meets the second test of my right hon. Friend the Member for Maidenhead (Mrs May) on reputation. What self-respecting nation allows itself to be split and part of it to fall under the governance of another unaccountable power? That cannot be the reputation that this Union wishes to pursue.

Thirdly, on the question of the integrity of the United Kingdom, clause 1(c) states that the Bill

“provides that enactments, including the Union with Ireland Act 1800 and the Act of Union (Ireland) 1800, are not to be affected by provision of the Northern Ireland Protocol”.

That, I suggest, meets the test of legality. There might be questions about necessity, as my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) pointed out, but my reason for supporting this Bill lies in the imperative of what the Court of Appeal said. It said that the Acts of Union have been subjugated, and that is reason enough for me.

The right hon. Member for Tottenham (Mr Lammy), when he was challenged as to whether he would change the protocol, declined to answer what changes he would make or how they could be delivered. He did, however, make a good point when he said that we must focus on what works and that, I suggest, is what the Bill is trying to do. It is a Bill that provides a solution, seeks to address the issues of trade, respects and seeks to restore cross-community consent and, most importantly, restores the integrity of the UK while at the same time protecting the integrity of the EU single market.

This is not a perfect Bill. I have concerns about the sweeping powers within it given to Ministers. I suspect that, subject to further debate—I hope that the Bill will rapidly progress without delay through this House—those might be considered. However, I will support this Bill with enthusiasm, because there is a legal basis for action. As I have said, the Court of Appeal has set that by indicating that the Acts of Union have been subjugated. As my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland) said, it means that inaction is not an option. I will finish with this question for hon. and right hon. Members. If it is the case that our Acts of Union have been subjugated, and if, as my right hon. and learned Friend says, inaction is not an option, then if not this Bill, what? If not now, when will we restore the integrity of our Union?

**Several hon. Members** *rose*—

**Madam Deputy Speaker (Dame Eleanor Laing):** Most unusually, many people who—

**Bell Ribeiro-Addy** *rose*—

**Madam Deputy Speaker (Dame Eleanor Laing):** The hon. Lady has already spoken. She has forgotten. That really confused me—I am counting the people. I admire her enthusiasm. Most unusually, some Members who had indicated to Mr Deputy Speaker earlier that they wished to speak are not in the Chamber and appear not to wish to speak. Therefore, most unusually, I am going to extend the time limit, at least for a short while, to seven minutes.

8.38 pm

**Karin Smyth** (Bristol South) (Lab): Thank you, Madam Deputy Speaker. I will see how we go.

Exactly six years ago today, following the Brexit referendum, we had a statement in this House from the then Prime Minister, and more than two hours of questions took place. I believe I was the only non-Northern Ireland Member of Parliament to raise the issue of the

[Karin Smyth]

Northern Ireland border. Specifically, I referenced my own family who live on both sides of that border. My family are from Cavan and some of my family now live in Fermanagh. I spend a lot of time there crossing the border. It has always been personal to me. I witnessed and saw the benefit of the removal of the physical infrastructure throughout the 1990s. However, throughout most of the last six years—Members who were not here at the time have referenced it—Northern Ireland has received very little attention. It has always been an inconvenience to the Brexiteers, who have never really articulated a solution to the conundrum of the unique circumstances on the island of Ireland. Too many hon. Members on both sides of the House do not know or understand the history.

Clearly, among the European Research Group or somewhere, a briefing pack is circulating that starts at 1800 with the Act of Union, moves swiftly on to 1998, and finds us here today. It would well behove many hon. Members to walk along the corridor to the Library and check the *Hansard* from this place throughout the 19th and 20th century. It would behove Conservative Members to understand the arguments between Disraeli and Gladstone about that “coming storm” from the west, because it is different now from it was throughout those times. Careless words spoken in this place throughout those two centuries have an impact across Ireland—in the Republic and in Northern Ireland.

Peace and stability must always guide us—we all want that—but nothing in the Bill does anything to bring peace and stability to Northern Ireland. It gives no power to people in Northern Ireland, but all the power to singular Ministers in this Government. The Foreign Secretary told us today that she has had no agreement from the parties that they will go back to Stormont, and the powers given to the UK Government Minister are complete and unfettered with no accountability.

A key part of the Belfast/Good Friday agreement, which no one seems to want to mention but which has always been important for bringing peace and stability across communities, is the mutual interest and mutual respect between the UK and Irish Governments for the two communities that exist in Northern Ireland. The Conservative party does not like it, but Ireland remains a member state and is that mutual interest. When people talk casually about the EU being the enemy, they really mean that Ireland remains an enemy. For the Brexiteers, there has always been one solution to the problem of Northern Ireland, which is for the Irish to leave the European Union.

Brexit has never been about the UK leaving; it has always been about the destruction of the European Union. The solution for the Brexiteers—for the ERG that now controls the Conservative party—is for Ireland to leave, but that is not going to happen. Ireland has been successful in the European Union, which has transformed society and the lives of people there. That is the *realpolitik*. The unique circumstances on the island of Ireland have not changed. Somehow, we need to remind the Conservative party and other hon. Members of that place.

With the dual regulatory system, Northern Ireland is on the cusp of either great prosperity or economic failure. It is our duty to decide on which of those paths

we want to support people there. We could choose the investment that awaits—being the fulcrum between the EU and the United Kingdom is potentially exciting for business and prosperity in Northern Ireland—or we could choose stagnation, indecision, fighting in the courts, and debates about the niceties of legal arguments and international treaties of the last 200 years, which would frighten off the investment that is crucial for prosperity and security.

It is not just personal now for me. The instability that breaking an international agreement causes definitely has an impact on businesses and people in my Bristol South constituency. Our international reputation as a safe place to do business, our stability and our rules-based economy are being totally trashed and shredded by the Government.

In my remaining minute, I will alert hon. Members to the inquiry of the Public Administration and Constitutional Affairs Committee, of which I am a member, into international treaties. We have heard from Lord Frost and last week we heard from Professor Bartels from the University of Cambridge. When asked about the state of necessity, Professor Bartels said that

“you resort to a defence of necessity when it is necessary, in other words you don’t have anything else.”

The ultimate test of legislation is whether it will work, and it is clear that this will not work. It is a distraction—a distraction from the psychodrama within the Conservative party, and the Prime Minister—and it is truly shameful.

8.44 pm

**Dr Andrew Murrison** (South West Wiltshire) (Con): It is always a great pleasure to follow the hon. Member for Bristol South (Karin Smyth), although I profoundly disagree with the implication that those of us who decided Britain’s place in the world was best served by leaving the European Union view the EU—let alone the Republic of Ireland, for goodness’ sake—as “the enemy”, to use her words. Clearly, that is not the case.

My right hon. Friend the Secretary of State, who is winding up, will be spoilt for choice when it comes to commenting on speeches. If I may say so, however, in a brief period of time the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) pretty much nailed it with his assertion in an intervention on the hon. Member for North Down (Stephen Farry). The status quo is clearly not compatible with the Good Friday agreement and the Acts of Union, and the doctrine of necessity certainly applies in this case.

It is remarkable, is it not, that the protocol’s supporters appear to be the opposition parties, while those who drafted it and are trying to change it sit on the Conservative Benches? I also enjoyed the remarks of one or two Opposition Members who appeared trenchantly to support the other place in the hope that it will defenestrate this Bill, which I sincerely hope it fails to do. That said, though I welcome this Bill, I hope it will be improved in Committee and in the other place, and in particular that some of the swingeing powers that it gives Ministers will be clipped.

I have to say to Ministers, while assuring them of my support this evening, that I remain somewhat bewildered by their refusal to consider in a meaningful way triggering article 16. That is already available to them, and nobody has marshalled a creditable argument—certainly not one that satisfies me—that it could not or should not be done.

The grounds for triggering article 16 are clearly there, in that we do not have anything approaching proper governance in Northern Ireland—not at all. Despite the May elections, the Assembly has failed to assemble and the institutions are not working.

Surely to goodness, those are grounds—the strongest grounds possible—for triggering article 16. They are far stronger, I must say, than the grounds chosen by the President of the European Commission early in 2021 to trigger this thing, albeit very briefly and ignominiously, on the grounds of trying to prevent vaccines from transiting from the Republic of Ireland to Northern Ireland.

**Sir Robert Neill:** My right hon. Friend makes a very important point. Does he agree that, from a legal perspective, if article 16 were to be triggered, at least we would be able to argue that we had used all means available to us under the protocol, as is necessary to meet the necessity test—in other words, that the state has exhausted all the options open to it before it acts unilaterally? That is exactly the value of using article 16.

**Dr Murrison:** I absolutely agree with that. It is argued—of course it is—that triggering article 16 is meant to be temporary. Those of us who have been around a bit realise that temporary very often turns into something far more permanent. However, that would certainly be a reasonable first step in dealing with this situation, which pretty much all of us—apart from the SDLP—agree is unsatisfactory. I am still unsure, despite the earlier remarks of my right hon. Friend the Foreign Secretary, why the Government are not doing that. The Secretary of State, when he winds up, may like to address that.

I would also like to know where in this legislation there is a threat to the single market. Trade between Northern Ireland and the Republic of Ireland is pretty much a rounding error—a point that has been made by others. Companies such as Sainsbury's do not exist in the Republic of Ireland, so goods going to Sainsbury's in Northern Ireland from GB cannot possibly land up on Sainsbury's shelves in the Republic, because there are none. There are more checks on this border than on the border with Chile, and checks for what? It is not clear to me why we need checks at this point in time, since we have an agreement on tariffs and we have standards and regulations that have not yet had the opportunity to diverge.

Many contributors today have talked about the doctrine of necessity, but what they have not mentioned is that there is a second part to that doctrine; it is a lesser part, but it is germane nevertheless. It does not deal with grave or imminent peril; it allows parties to rescind an obligation if to do so would not

“seriously impair an essential interest of the states towards which the obligation exists or of the international community as a whole.”

Where in this Bill, and where, indeed, in triggering article 16, would the threat to the single market come from? Indeed, I would argue, as Ministers certainly have, that the Bill is helpful in many respects to the single market, and it certainly is to the internal market.

So why is the EU doing all this? Why is it not giving Mr Šećović the powers he needs in order to negotiate properly with, first, Lord Frost and, secondly, the Foreign Secretary? We can all suggest geopolitical reasons for

not doing that, and of course some member states are perfectly happy, for their own benefit, with the status quo. The Republic of Ireland is probably rather enjoying the current export opportunities as a result of Northern Ireland being unable to get what it needs from GB. But we have to hope that the EU, even at this stage, will recognise the damage this is doing to the Good Friday agreement and the prospects of ongoing peace and harmony in Northern Ireland, and that it will, even at this late stage, consider the interests of the people of Northern Ireland first, in which case this Bill will not be needed.

The Government, in my view, signed the Northern Ireland protocol in good faith. They were entitled to receive the same back from the EU, but after 18 months it is plain as a pikestaff that that reciprocation has not happened. It is not as if there are not technical solutions to the current problems. I wrote about this in my report when I chaired the Northern Ireland Affairs Committee. It distresses me that, all this time later, nothing appears to have been done about the recommendations that I made, and that others have made subsequently, to deal with this perfectly elegantly. Of course, things may very well get worse, with the SPS offset through the movement assistance scheme likely to be viewed as ultra vires by the European Court of Justice, and the prospect of energy VAT—I hope very much that it will be reduced in GB—not being reduced in Northern Ireland, completely contrary to the Good Friday agreement and the Acts of Union.

The right hon. Member for Leeds Central (Hilary Benn), who is no longer in his place, said that the EU “needs to move”. It does, but it will not; I hope this legislation gets it moving.

8.52 pm

**Martin Docherty-Hughes** (West Dunbartonshire) (SNP): It is always good to follow the right hon. Member for South West Wiltshire (Dr Murrison), even though I am going to profoundly disagree with him.

It is interesting that we now have a tantalising real-time example of what happens when a part of the UK is able to diverge from the current UK economic model. It turns out that not simply accepting lower growth than south-east England in perpetuity in exchange for a guaranteed lump sum can actually be quite beneficial, and so of course the UK Government want to put an end to it.

It is important, however, to take a historical view of where we are. It behoves the British Government to remember their history, for their predecessors have been here quite a few times before. The end of the seven years war in 1763—a few folk here now might have been around back then—was a catastrophic success for a newly fledged Great Britain. As a result of victory over the perfidious Europeans, it gained supremacy over the North American continent and possessions elsewhere. Let me quote from Pulitzer prize-winning Professor Alan Taylor's history of the American revolution, here quoting Henry Ellis, a colonial Governor:

“What did Britain gain by the most glorious and successful war on which she ever engaged? A height of glory which excited the envy of the surrounding nations...an extent of empire we were equally unable to maintain, defend or govern”.

Taylor adds:

“Because of that triumph, the empire would reap a revolution in British America”.

[*Martin Docherty-Hughes*]

As we stand here in these sunlit Brexit uplands, we must also consider the price that this modern-day facsimile of Georgian Britain would have us pay for attaining their own heights of glory. Even then, the idea that this place—this legislature—should be supreme above all others led them to make similar mistakes.

The contradictions of British North America were slightly different from those we face today. In short, while the colonialists liked to distinguish themselves from their French and Spanish rivals as more democratic because they had a form of self-rule—let us not call it devolution—we now know that that was somewhat erroneous, as that self-rule was very much restricted to Protestant landowners. While that made the ruling of the original 13 colonies relatively straightforward, the newly won possessions in New France did not fit that model, so this Parliament decided to pass the Quebec Act, which did not go down too well with the puritans in New England or elsewhere.

The vastly expanded sphere of influence was also much more expensive to maintain. Therefore, despite the warnings that this would not be appreciated, taxes were levied for the first time on colonial possessions, first through the Sugar Act 1764 and then the Currency Act 1764 and the Stamp Act 1765. All the time, the consequences for those who were subjected to the legislation were ignored, and that slowly drove a wedge between England's interests and those of its periphery. [*Interruption.*] Perhaps Ministers should listen. We know what happened next.

I take us on that American detour because we live in hope that Ministers will reflect on how their wonderful wheeze, designed to reassert the primacy of this Parliament, will not work in places where people look to legislatures that are closer to them.

**Sir Jeffrey M. Donaldson:** Will the hon. Member give way?

**Martin Docherty-Hughes:** I will not, I am afraid, as I want to make some progress. Quite simply, be we in the 18th century or the 21st century, introducing legislation that damages the economic self-interest of those on the periphery to benefit those in the core will never end well, especially when, as in this case, it satisfies the desires solely of the parliamentary sovereigntist-fetishists, who do not represent any real majority, even in the core.

Let me conclude with a quote from Edmund Burke, who was not only the father of conservatism but an Irishman and a Unionist to boot. Many will remember how in “Reflections on the Revolution in France” he said:

“People will not look forward to posterity, who never look backwards to their ancestors. Besides, the people of England well know that the idea of inheritance furnishes a sure principle of conservation, and a sure principle of transmission”.

But I think more pertinent to our discussions is what comes a few paragraphs later, where he said:

“The institutions of policy, the goods of fortune, the gifts of providence are handed down to us, and from us, in the same course and order.”

How providential it is, then, that this Conservative and Unionist Government's blessed inheritance, and this state's institutions of policy, are to repeat the same

mistakes that have always been made. It is shame for the people of Northern Ireland that the economic and political damage of the Bill is to be visited on them in such a manner.

8.58 pm

**David Simmonds** (Ruislip, Northwood and Pinner) (Con): I was struck by the comments of the hon. Member for Bristol South (Karin Smyth) about how, when we in this place debate issues relating to Ireland, we often do not pay sufficient respect and attention to the complex politics of Northern Ireland. It is good that there has been a thorough airing of different perspectives in the debate; it has certainly illuminated my thinking.

When we consider that Ireland remains the fourth largest destination for UK exports and the 10th largest source of imports into the United Kingdom; and that, for Northern Ireland, 40% of goods exports go to Ireland and 36% of imports come across from Ireland, it is clear that this is an important economic relationship. It is an important relationship in the context of addressing the cost of living and other things that we know are important from debates in the House.

I am persuaded, as my hon. Friend the Member for Newcastle-under-Lyme (Aaron Bell) outlined, that although we have many concerns about elements of the Bill, it is right to give the Government the benefit of the doubt and to create the space for a negotiation that, as we have heard, is happening in good faith, with a view to seeking an agreement to address these issues, while recognising that, if that goes wrong, we need the ability to protect our position in due course.

Ruislip, Northwood and Pinner is a long way from Northern Ireland, but Northern Ireland is of enormous interest to my constituents, because my constituency has a very large number of small and medium-sized exporters and importers. I have heard from many of those businesses directly, including at constituency surgeries, that the issues that arise in this debate on Northern Ireland, and issues of international trade more generally, are incredibly important to them.

Let me highlight an exciting judgment of the European Court of Justice, C-213/19, in respect of legal action taken against the United Kingdom for long-term, persistent failure to undertake proper border controls while we were a member of the European Union. By “long-term”, I mean that the failure goes back to at least 2005, so Governments of all parties have a degree of responsibility for this matter. Clearly, when we in this House talk about green and red lanes, or any other part of the United Kingdom's international trading arrangements, it is important that we demonstrate that we have effective customs, and border controls in which people can have confidence. My small and medium-sized importers and exporters do not wish to be undercut by fake imported goods that are brought into the United Kingdom, which was for some time notorious among EU member states for failing to undertake this work properly, as the judgment highlights. We need to take that seriously.

On our attitude to international law, I agree with my hon. Friend the Member for Aberconwy (Robin Millar) that it is not fair to draw a comparison with what is being said about the likes of Vladimir Putin. However, I recently visited the European Court of Justice in Strasbourg,

where I heard about those who are charged with enforcing its judgments, many of which are about commercial disputes, property assets, and the ability of families to enforce their right to family life. I certainly heard that when it comes to enforcing judgments in countries where Governments are disinclined to follow the law, there is always a degree of pushback from the diplomats representing those countries, who say, “If a founding father state of the European convention on human rights says that it disagrees with those laws, why should we follow them?” That has an impact on my constituents, and on all our constituents. We need to demonstrate that we remain absolutely committed to upholding the highest standards of the rule of law.

As we debate these issues, it is important to remain focused on the benefits that we expect future arrangements to bring to the people of Northern Ireland, which is part of our United Kingdom. Many Members have referred to the latest release from the Office for National Statistics, which suggests that London, where my constituency is, has had 2.3% GDP growth—a strong rebound from covid. The part of the United Kingdom with the second highest growth was Northern Ireland, with 1.4% GDP growth. It has been helpful to hear from Members on the Opposition Benches about some of the nuances of that—about what it means for services versus goods, and how that affects the communities of Northern Ireland, because we need to get this right.

The complexity of the issue is demonstrated by a point made at the Dispatch Box at the very start of the debate: we must make sure that the benefits of our decisions extend to all parts of the United Kingdom. Let me give the example of the removal of VAT from environmentally friendly green energy products. On 7 December 2021, the Economic and Financial Affairs Council decided to enable the removal of VAT from all those products. About four months later, the same decision, which I very much support, was taken here and presented to this House. The benefit of it has been felt across England, Wales and Scotland, but we are told that it is not possible for Northern Ireland to have that benefit.

When Ministers sum up, I ask them to explain why that is, given that the measure is also allowed under EU rules, and was allowed there before it was introduced here. Why have we not been able to ensure that people in Northern Ireland can benefit from the investment that the measure would prompt? It would ensure that homes and businesses enjoyed the highest standards of environmental friendliness.

I will finish as I started. I will give the Government the benefit of the doubt this evening; as the Bill goes through the House, there will be an opportunity to explore many of the issues that I and others have raised. It is important to demonstrate that we are taking these issues extremely seriously, and demonstrate to our biggest trading partner the European Union and our people in our United Kingdom that we are determined to negotiate in good faith and reach agreement together.

9.5 pm

**Ian Paisley** (North Antrim) (DUP): It is a pleasure to follow the hon. Member for Ruislip, Northwood and Pinner (David Simmonds) and I thank him for his thoughtful speech. This debate reminds me a wee bit of the story of

the man who asked for directions in Northern Ireland. He said, “Could you tell me how to get to Lisnagunogue?”, and a man said to him, “I wouldn’t start from here.”

The debate about the protocol in Northern Ireland feels a wee bit like that, when we start to examine it. As the Government know—the right hon. Member for Maidenhead (Mrs May), the former Prime Minister, made this clear in her cutting comments today to Government Front Benchers—our party warned from 2019 onwards, and before that, that the protocol would cause problems and that it would not work. Unfortunately, those warnings fell on deaf ears, so it is right and proper that the Government take action this evening.

I remember a sitting of the Northern Ireland Affairs Committee in which the former Secretary of State, the right hon. Member for Skipton and Ripon (Julian Smith)—he is unfortunately not in his place now, but he spoke earlier—commented on the protocol. I asked him directly then, “Would the protocol put in place any barriers or cause any friction in relation to trade in Northern Ireland?” He said, “Don’t worry about it. It will all be light-touch.” Well, it is the heaviest touch that anyone has ever seen in terms of trading relationships in these islands, so we weigh very carefully and cautiously the words given to us by the then and current Governments.

The Government’s decision to bring the Bill to the House is welcome. I believe that their mettle, their steadfastness and their patriotism—that was put on the record by the Foreign Secretary—will now be tested by this matter. The House will then be left to judge whether the Government are sincere. We on the DUP Benches definitely hope that they are. We believe that our word can be counted on and trusted. It is now up to the Government to prove through their actions that their words can be counted on, believed in and be shown to be true.

The Foreign Secretary made it clear in a communication to the Northern Ireland Affairs Committee that the problems of the protocol are about the disruption and divergence of trade, the significant costs and bureaucracy for businesses, the undermining of the three strands of the Belfast/Good Friday agreement, and the collapse of the power-sharing arrangements at Stormont. Although we do not have time to deal with each of those issues tonight, she rightly outlined some of the problems.

**Paul Girvan:** This is about the diversion of trade, how that has impacted on local suppliers from the rest of the GB market and how they have not been able to access the Northern Ireland market because of the bureaucracy and additional paperwork required.

**Ian Paisley:** I thank my hon. Friend for drawing that to the House’s attention. The diversion of trade is absolutely critical and that was raised by the hon. Member for Ruislip, Northwood and Pinner. By volume and value, local purchases from Great Britain are worth £13.4 billion to Northern Ireland. That is four times the value of imports from the Republic of Ireland, which stand at £3.6 billion—I hope that that answers the hon. Member’s question about the value of trade in Northern Ireland. Of the 16,000 businesses in Northern Ireland, 14,900 are small and medium-sized enterprises. They cannot cope with the paperwork, bureaucracy and cost of doing business in Northern Ireland. That is not a teething problem; that is a nightmare for trade.

[Ian Paisley]

Last year, the Consumer Council published statistics showing that, of people in Northern Ireland,

“over two thirds (68%) have experienced UK online retailers no longer delivering to NI; nearly two thirds (65%) have experienced delayed delivery of goods from GB online retailers; over half (53%) have experienced reduced access to products offered by GB retailers; over half (51%) have experienced an increase in the cost of goods bought online; nearly a third (29%) have been charged customs related fees for parcels coming from GB”.

Northern Ireland is part of the United Kingdom! It is not some far-flung part of the world; it is a few hundred miles away, and it is part of this UK. That is the impact that the protocol is having on the daily lives of citizens in Northern Ireland.

People say, “But there are grace periods.” Last month, Mr Šešćović made it clear that the grace periods, in his view, are illegal and should not be used. We hear, across the House, “Oh, let’s have negotiations.” We do not have a willing partner in this negotiation—hence why, for the past year, the Government have told Europe in a White Paper that article 16 could be invoked. Instead of that being welcomed by the Opposition and other parties, for almost the past 12 months we have heard, “Do not dare invoke article 16. It is a step too far. It would be an atrocious action.” Yet tonight, when the Government say that things have now gone too far, we have to go beyond article 16 and bring in this Bill to solve the problems that have been discussed.

The right hon. Member for Leeds Central (Hilary Benn) put a little gambit to the House tonight—“Oh, why don’t we invoke article 16?”—only to be shot down within 20 seconds by his Front-Bench colleagues because they would not support invoking article 16. The hypocrisy is not lost on Members of this House, and neither is how difficult a situation we are in or how urgent the requirement is for the Government to fix it. I call on the Government to move expeditiously to fix this matter. Until March this year, we had had more than 300 hours of negotiations with the EU, and it has not budged. Its mandate will not move.

Labour Members may have been suffering from amnesia, or else make-believe, when they thought that they were negotiating with us on the matter, as they claimed in earlier comments. There have been no negotiations between the Democratic Unionist party and the Labour party. There have been no negotiations between the shadow Foreign Secretary and our party on any of these matters. [Interruption.] The shadow Secretary of State can mutter and mumble from a sedentary position, but he knows that it is true. There have been no negotiations in the process, because Europe pulled stumps. It has not extended its mandate, because it does not want to negotiate. I wish it would. We would quite happily do so, because the provisions of the protocol are very clear under article 18, article 13(8) and article 164 that it can be lawfully suspended—and it should be. We would welcome that, but things have now come so far.

The prize is great. By fixing the protocol issue, we get devolution back, so let us fix it.

9.13 pm

**Stephen Kinnock** (Aberavon) (Lab): It is a pleasure to follow the hon. Member for North Antrim (Ian Paisley).

As a patriot, I find that many things make me proud to be British, but perhaps what makes me proudest of all is that so many people and so many Governments across the world see Britain as a law-abiding country that plays by the rules; as a country that is a consistent, reliable and trustworthy international partner; as a country that treats its allies with respect and always defends the rules-based international order; as a country that acts in good faith and has a sense of fair play hardwired into its DNA; and as a country that is capable of tremendous feats of statecraft such as the Good Friday agreement—one of the proudest achievements of any Labour Government. Yet here we are this evening, debating a Bill that takes a unilateral wrecking ball to an international treaty that the Prime Minister himself signed and described as “an excellent deal” just 30 months ago.

Let us be clear: this Bill fundamentally undermines our reputation as a nation that upholds the rule of law. This really matters, because geography is destiny. Whether the Conservative party likes it or not, what happens on the European continent is of pivotal importance to Britain’s security and prosperity. When Europe thrives, we thrive; when Europe slumps, we slump; and when Europe fights, we fight.

**Matt Rodda** (Reading East) (Lab): My hon. Friend is making an excellent speech, and, obviously, speaks on the basis of great experience internationally. I presume that he is about to refer to the events in Ukraine. Does he agree that not only is the Ukraine war a very pressing issue on which we need to co-operate fully, but there are many other international crises with which we are currently dealing as a country—including the climate emergency—and that it is therefore vital for us to work in partnership with our colleagues?

**Stephen Kinnock**: My hon. Friend makes an excellent point. He understands that foreign policy begins at home, and that if you do not have your own house in order, your ability to project influence, to build alliances and to speak with moral authority is fundamentally undermined.

From trade to diplomacy, from defeating Putin’s barbarism to tackling the climate emergency, and from scientific co-operation to responding to the rise of an increasingly authoritarian China, our democratic partners and allies across the channel should always be at the heart of our foreign policy. However, instead of recognising that basic reality, Ministers are stuck in what my right hon. Friend the Member for Tottenham (Mr Lammy), the shadow Foreign Secretary, has called “a fever dream of 2016”.

Rather than seeking constructive solutions, they pick fights with our closest neighbours and introduce this deeply destructive Bill, which is a clear breach of international law, and which is designed solely to inflame tensions and chase *Daily Mail* headlines.

With inflation soaring, with the country facing a cost of living crisis, with war on the European continent, this is the worst possible time for the Bill to arrive; so why are the Government doing it? Who in their right mind would seek to sow division when, now more than ever, we need to be standing shoulder to shoulder with our European friends and partners? The explanation is clear. The Prime Minister has made a calculation, and, as usual, his calculation has nothing to do with the

national interest and everything to do with saving his own skin. The Prime Minister knows that it is the European Research Group and its fellow travellers who are calling the shots, and he knows that he must have their support if he is to continue to squat in Downing Street. Just like his two predecessors, he has found that his fate now lies in the hands of the ERG, and just like his two predecessors, he seems foolishly to believe that he can appease the members of the ERG by throwing them some red meat from time to time.

It really is extraordinary that Conservative Prime Minister after Conservative Prime Minister has failed to learn a simple lesson of 21st-century British politics, which is that you can never satisfy the members of the ERG. No matter how much red meat you throw to them, their hunger will never be sated: they will always come back for more. Right now they are once again at the height of their powers, because the outcome of the no confidence vote has maximised their leverage and given them a Prime Minister who, when they order him to jump, responds by asking, “How high?” Not only that; it has given them a Foreign Secretary whose leadership ambitions depend on their support.

So the planets have aligned for the ERG—but for our country, not so much. Out there in the real world, the impacts of the Prime Minister’s botched Brexit deal are being felt by working families and businesses across the country. Our exporters are suffocating under mountains of red tape, import frictions are driving inflation up, and next year we are forecast to have the lowest growth of any country in the G20, apart from Russia. The fact is that the Conservatives are unable to point to a single net economic benefit of the disastrously bad deal that they negotiated—not one.

Indeed, when the Minister for Brexit Opportunities and Government Efficiency was asked to name a single benefit of the Prime Minister’s botched deal, the only thing he could come up with was the fact that the road signs in the Dartford tunnel could be changed from metres to yards. You could not make it up, Madam Deputy Speaker. It is almost as absurd as the apparent legal basis for this Bill, which we are told is the doctrine of necessity, which requires “grave and imminent peril”. But if the peril is so imminent, why have the Government chosen a route that will involve months of passage through Parliament? We know the answer to that question too, because the only thing that is in grave and imminent peril is the Prime Minister’s job.

The fact that the Prime Minister’s botched Brexit deal is so clearly failing to deliver any of the economic benefits that were promised is bad news not only for the jobs and livelihoods of the British people but for our relations with the European Union and our international reputation more broadly. The more obvious it becomes that the deal is fundamentally flawed and failing, the more the Prime Minister and others who heralded it as a triumph when they signed it will start looking for scapegoats, pointing fingers and lashing out. They will blame the EU. They will blame those who voted remain. They will blame the civil service and they will blame the judges. In short, they will create a smokescreen of sob stories and grievances, which they hope will obscure their own profound incompetence. They will use the passage of this Bill and other ruses such as the Bill of Rights and the Rwanda plan to whinge and rant about the saboteurs and the conspirators, because they will

always try to play the victim card. They will never stand up and take responsibility, and there is nothing patriotic about that.

To sum up, the purpose of this Bill is not constructive; it is deliberately destructive. It is not seeking to solve a problem; it is seeking to fuel grievance and shirk responsibility. It is not diplomacy or statecraft; it is a piece of reputation-trashing vandalism, and this House should treat it with the contempt that it deserves.

9.21 pm

**Carla Lockhart** (Upper Bann) (DUP): I welcome this Bill and its Second Reading in this House today. I also welcome the fact that the Government now recognise the significant problems caused by the protocol and the damage it is doing to political stability, to community relations, to vast swathes of our economy in Northern Ireland and indeed to businesses in GB. The Bill is a recognition of, and an appropriate response to, the unreasonableness that is intrinsic within the protocol and the fact that, despite protracted engagement with the EU, the only thing more unreasonable than the protocol itself is the EU’s attitude. Its obstinate approach to those intent on finding common-sense solutions that will undo the damage we are seeing in Northern Ireland is what brings us here today. Those solutions, with good will on all sides, can work for everyone. That is what my party desires: solutions that work for, and can be supported by, everyone.

I know that there are Members in this House who will rail against this legislation today, and we have heard some of them already. It is worth reminding the House that some of those are the same voices that have called for the rigorous implementation of the protocol but, having begrudgingly realised at least some of the issues with the protocol, they now say that the way to deal with the protocol is through negotiation, and no reasonable person is opposed to negotiation. Might I suggest, however, that they listen to Maroš Šefčovič, who holds some form of demigod status in the eyes of the SDLP and Alliance? He has stated adamantly that renegotiating the protocol is unrealistic.

While those who oppose this Bill deal with the unrealistic, my party and now the Government are dealing with the real problems caused by the protocol: the huge administrative burden and associated costs foisted on businesses because of the sea border; the increase in transport costs that is making bringing goods to Northern Ireland more expensive; the banning of items being imported into Northern Ireland from other parts of the United Kingdom; and the constitutional change for which there is no consent. It is time for other parties to wake up. I commend the many Members right across the House who have spoken in support of this Bill today. The transfer window is open: Members can switch from team EU to team Northern Ireland, and it is time they joined those of us whose intent is to resolve these issues for the betterment of our economy. Also of fundamental importance is the urgent need to restore the principle of consensus that has been so fundamental to our political process.

This House has heard in many debates on the withdrawal agreement and the protocol that the Belfast agreement must be protected, and Members on both sides of the House need to ask themselves whether they really mean that.

[Carla Lockhart]

If they do, they will recognise that consensus is the cornerstone of our political process. We need to get back to consensual progress, as the reality is that no Unionist elected to this place or the Northern Ireland Assembly—not one—accepts the protocol. That ought to be of concern to all who value the progress made in Northern Ireland, so I make a sincere appeal to the Members and parties who have met Unionist opposition to the protocol with ridicule, sneering and ignorant dismissal to ask themselves whether they share that desire to get us back on track to consensual progress, and to stop the slide into division and the destruction of what we have achieved.

I urge the Government to stay on course and to ensure this Bill passes with haste and without amendments designed only to undo the proposed solutions contained within. We need to get Northern Ireland back on track, and I urge colleagues to back the Bill and help to do just that.

9.26 pm

**Jim Shannon** (Strangford) (DUP): It is a pleasure to speak in this House on any occasion, and it is an even bigger pleasure to speak on this issue of tremendous importance to everyone across Northern Ireland and, indeed, across the whole United Kingdom of Great Britain and Northern Ireland. We have heard some fantastic speeches, and I thank all those who have contributed positively.

It is not a secret that I am very pleased to be the MP for Strangford, and it is probably one of the highlights of my life. It is always a pleasure to reflect my constituents' views in this Chamber, and the majority of them are very clear in their opposition to the border down the Irish sea and the restrictions it imposes. Ninety-nine per cent. of businesses in my constituency have expressed concern.

I think the hon. Member for North Down (Stephen Farry) said businesses are doing well. My constituency is not far away from his, but he is in a different world. I do not understand what he is on about. At last week's Northern Ireland questions, the Secretary of State said 200 businesses have stopped trading between the United Kingdom and Northern Ireland. Well, at least 200 businesses in my area alone are not trading today, so I suspect the number is greater.

If farmers take their cattle to Carlisle market and they do not sell, they have to pay to put them in quarantine for six weeks before they can take the cattle home, all because of the problems with the protocol. My fishermen in Portavogie—I also represent the fishermen in Ardglass and Kilkeel because their MP does not come to this place, but that is up to him, although he will speak in Parliament Square—face extra tariffs, bureaucracy and red tape. For them and for the engineering works, the car salesmen and the nurseries, the protocol is not working. People do not buy seeds from nurseries in Great Britain any more, as a packet of seeds that cost £2 now costs £16. Those are examples of what my constituents face each and every day.

Some Members tell us this only affects Unionists. No, it does not. Nationalists have come to me who feel afraid to voice complaints to their MP due to the fear of reprisals. I speak with confidence when I say that Northern

Ireland, as a whole, needs this Bill not simply for its cultural identity, which is imperative, but for the financial viability of small businesses due to the EU's vindictive approach to VAT and state aid. This affects not only those who are designated as Unionists but those who are designated as nationalists, too. It affects everyone in the Province, and it affects their pocket.

As a boy, I recall Prime Minister Margaret Thatcher telling us that Northern Ireland is "as British as Finchley." With the border down the Irish sea, it is clear to me that we are not as British as Finchley, but I want to be because I am very proud of my British heritage. I am very proud to have served in the British Army for 14 and a half years. I am very proud to be British and from Northern Ireland. I love to tell everybody that I am a Member of this Parliament. I love to tell people that I am from the United Kingdom of Great Britain and Northern Ireland, because it means something to me. It means something to every one of us sitting here, and it means so much that we want to have this Northern Ireland protocol brought forward in a way that can make us as British as you are. That is what I and my colleagues want to be, and we need this Northern Ireland Protocol Bill to make that happen.

Delegates from other EU countries have shown an absolutely disgraceful disregard to the Unionist people of the Province. Boy, do they stink to the high heavens, and I say that without any doubt. If they are sitting and listening in Brussels, I tell them again that they stink to the high heavens. The quicker we are away from those ones, the better.

This is a very simple issue that has been misunderstood, and clarity is needed as a matter of urgency. The protocol stops tax and VAT aid. It hampers small businesses from accessing their No. 1 market, makes Northern Ireland—my country—a third country and undermines the Belfast agreement. For the good of nationalists, Unionists and republicans—there are some here—the protocol must come to an end and we must allow common sense, common decency and common respect to be the bill of the day.

As I said on the day we received prenotification of this, I am very pleased to see the changes relating to the Court of Justice of the European Union. I welcome them because they remove the direct jurisdiction of the Court of Justice over this place. It should be this place that makes decisions on behalf of the people of Strangford, Upper Bann, Lagan Valley, East Belfast and every other constituency. It should not be Brussels or the European Court of Justice, so I am very pleased to see that change. I have told the Foreign Secretary in the past—I think it was last September—that my hon. Friend the Member for North Antrim (Ian Paisley) asks questions about east-west and I ask questions about the European Court of Justice. I am very pleased to see the changes proposed by the Bill. That is very positive.

Believe it or not, but from dog biscuits to daffodils, from picture frames to potato bread, from engine parts to eggs, and from artificial flowers to antibiotics, the EU has had ample opportunity to change its approach and allow trade to continue unhampered. The EU is like a giant sponge: it wants to take everything from you, but it does not want to give you anything. Tonight, we are asking for the EU sponge to be lifted off our back and for us to be given the same opportunities as the rest of the United Kingdom.

For us, it is about making sure that the EU knows our place. It is past time to stop begging it and asking it to act like the sovereign state that we are. It is up to us to take back control of British produce and British protocol on behalf of British people. The Northern Ireland protocol has had a detrimental effect on people, from the working poor to wealthy business owners, and tonight we have the opportunity to make the necessary changes.

I love this United Kingdom of Great Britain and Northern Ireland. That is no secret. It is a pleasure and a privilege for me to be here. I am proud to have the Union flag flying above my house. I am proud to have the Ulster flag flying. I am proud to have the Queen's platinum jubilee flag flying as well. That is what I am. I want to be as British as everybody else. Do the right thing for us.

9.33 pm

**Peter Kyle** (Hove) (Lab): I want to begin with an apology to the victims of crimes committed during the troubles in Northern Ireland; they were expecting the Committee stage of the Northern Ireland Troubles (Legacy and Reconciliation) Bill today. Several had booked and paid for their plane and train tickets, so their money has now been wasted. For the Government, changing the parliamentary timetable might be trivial, but for victims and their families, such behaviour only adds to the pain and frustration of decades of hurt. And it exposes the truth—that Northern Ireland and its unique sensitivities are not taken seriously by this Government.

As the right hon. Member for Maidenhead (Mrs May) said, if time were truly important, as the Government's legal argument of necessity implies, this Bill would have been introduced as emergency legislation, or at least rushed through. There is only one real necessity in this Bill, at this time, and that is to try to distract from the catastrophic performance at the ballot box last week, and to fire the starting gun for the Foreign Secretary's leadership bid. Once again, the Tories' civil war is infecting our politics. Once again, Northern Ireland is paying the price. This House deserves better. Northern Ireland deserves better. Victims of the troubles certainly deserve better.

The Government claim to be acting on behalf of communities in Northern Ireland by tearing up the protocol, yet in the very same week they are simultaneously ignoring the opposition from all Northern Ireland communities, because opposition to their Bill to deal with the murders and acts of terror during the troubles is universal. Every party from every community opposes it, yet the Government plough on. They are picking and choosing parts of the Belfast/Good Friday agreement according to whatever their political needs are in any particular moment.

For example, one justification for tearing up the Government's Brexit deal is the loss of community support for the protocol. This totally ignores one essential fact: the Government never had it to start with. The DUP and Unionists have been very consistent from the very beginning when it comes to the protocol: they opposed it. When Ministers were drafting and negotiating the protocol, the consent of the Unionists was never sought and never given. As the right hon. Member for North Thanet (Sir Roger Gale) said, they even voted against it in this House. How can it now be claimed to have disappeared? It was never there to begin with.

In fact, when the Prime Minister presented the protocol to Parliament in 2019, he said in response to Lord Dodds that

“the people of this country have taken a great decision embracing the entire four nations of this country, by a simple majority vote that went 52:48 and which we are honouring now.”

He went on:

“I think that principle should be applied elsewhere, and I see no reason why it should not be applied in Northern Ireland as well. It is fully compatible with the Good Friday agreement.”—[*Official Report*, 19 October 2019; Vol. 666, c. 581.]

That was the Prime Minister speaking here, to this House, on 19 October 2019. We now have an entire Bill that reveals that the Prime Minister was not truthful with the House as he tried to sell the protocol.

Let us turn to another promise made and broken by this Government. Page 5 of the Tory manifesto could not be clearer. It says: “No...renegotiations.” So when the Foreign Secretary says, as she did at the Dispatch Box earlier, that the EU not agreeing “to change the text of the protocol” is her basis for this Bill, it exposes yet another broken manifesto promise. Fourteen million voters who believed that promise have been betrayed.

All this is perfectly in line with the Government's approach to Northern Ireland: they pick and choose issues depending on whether they serve whatever grievance they happen to have and be peddling at any moment in time. Their approach is reckless and neglectful. When the politics of Northern Ireland demand sustained, diligent support, the Government look the other way. When the Northern Ireland Executive collapsed in February, the Prime Minister did not visit Stormont to fulfil the vital role of honest broker to help the parties to find a way forward. He did make it to Saudi Arabia, India and the United Arab Emirates. Five months later, and only when the challenges in Stormont became unignorable, he found time for a fleeting visit.

The biggest challenge facing Northern Ireland is not the protocol; it is this neglectful Government. All parties in Northern Ireland want to see progress on the protocol. We on the Labour Benches have called for the EU and the Government to get back around the negotiating table. There are large areas of common ground that show that successful negotiation is possible, as my right hon. Friend the Member for Leeds Central (Hilary Benn) outlined eloquently. The UK, the EU and all parties in Northern Ireland have identified areas of improvement, and many of them clearly overlap. This appears to be the only negotiation in history that has failed because everyone agrees. We have consistently said that the EU must show more flexibility over Northern Ireland, but the way to unlock it is by engaging and negotiating—the very things that Britain used to be good at.

The overwhelming number of issues raised in the Bill are negotiable, with statecraft, diligence and graft. Take the veterinary agreement that New Zealand negotiated and signed with the EU. There were no rows, no psycho drama and no lawbreaking legislation. They just sat around the table and put in the hard work. With statecraft, diligence and graft, it is possible to reach an agreement on outstanding issues with the protocol. A veterinary agreement and a data sharing deal would remove the need for the vast majority of remaining checks. That is what this ultimately comes down to: identifying those remaining products that face undue red tape in their journey to Northern Ireland. With Britain's great history

[Peter Kyle]

of instigating, supporting and delivering global historic agreements, is it not reasonable to expect our Government to just get on and deliver it?

That is why we oppose the Bill. It takes us further away from the negotiated progress that is the only way forward. It is worth putting the scale of the current Tory incompetence in perspective. The previous generation, including John Major and Tony Blair, negotiated a framework that delivered peace in Northern Ireland. This lot cannot even negotiate a prawn sandwich across the Irish sea.

9.40 pm

**The Secretary of State for Northern Ireland (Brandon Lewis):** I thank all Members who have spoken on Second Reading. I will attempt to respond to as many of the points raised as possible, perhaps leaving out the choice of sandwich that the hon. Member for Hove (Peter Kyle) has been talking about this evening and in various interviews. There have been a huge number of thoughtful and insightful speeches and a wide range of views have been expressed across this House. That shows the interest and the support, certainly from the Conservative Benches, for ensuring a resolution to the issues affecting the people of Northern Ireland.

The Northern Ireland protocol, while agreed with the best of intentions, is causing practical problems for people and businesses in Northern Ireland, including trade disruption and diversion, significant costs and bureaucracy for traders. It cannot be right that it is easier to send goods from Great Yarmouth to Glasgow than to Belfast—still a part, and an important part, of the United Kingdom. Everybody in the United Kingdom should be able to access products and goods in the same way.

Political life in Northern Ireland is, as it has been, built on compromise and power sharing between communities, as the hon. Member for North Antrim (Ian Paisley) outlined, but the protocol does not have the support of all communities in Northern Ireland. As a result, we are seeing both political and social stress in Northern Ireland, including the lack of functioning of both the Northern Ireland Executive and the Northern Ireland Assembly, as rightly outlined by my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland).

It is clear that the protocol has become a major political problem, and it is putting a strain on the delicate balance inherent within the Belfast/Good Friday agreement. It is worth noting, and it might be forgotten from what some Opposition Members have said today, that all party leaders in Northern Ireland, at some stage or another over the past few months, have been clear that there is a need to change the Northern Ireland protocol. This legislation is about preserving the wider social and political stability in Northern Ireland, finding a more stable and sustainable solution, and ensuring that the frictions faced by businesses and consumers in Northern Ireland on goods coming from the rest of the United Kingdom are removed.

It remains the preference of the UK Government to achieve these benefits through negotiations. These are negotiations that have been conducted by the Foreign Secretary and predecessors over the past 18 months.

The lack of flexibility that we have seen from the EU, as rightly outlined by my hon. Friend the Member for Newcastle-under-Lyme (Aaron Bell), has led us to the point where it is right that we make a decision about taking forward a solution that works for the people of the United Kingdom and, within the United Kingdom, the people of Northern Ireland.

This Bill will enable us to implement a successful negotiated settlement as well. It is important to recognise that that will require a significant change in approach from the EU Commission, as a number of hon. Friends have outlined. I am afraid that that change has not yet been forthcoming. The scale of problems and the depth of feelings aroused by the protocol unfortunately, if anything, have been exacerbated, rather than eased by the current EU approach—whether it was through triggering article 16 over crucial vaccine supplies to Northern Ireland in January 2021, launching infraction proceedings following emergency easements to ensure the movement of food and parcels to Northern Ireland in March 2021, or repeatedly failing to show pragmatic flexibility in more than 300 hours of negotiations over the past nine months and continuing to insist on processes that would add to, rather than remove, the burdens currently felt by businesses moving goods to Northern Ireland.

**John Redwood:** Has my right hon. Friend noticed how Labour always takes the side of the EU, even when, as in this case, the EU is damaging the Good Friday agreement and diverting trade expressly against the legal provisions of the protocol?

**Brandon Lewis:** My right hon. Friend makes a fair point. He will know from attending oral questions to the Northern Ireland Office that I have regularly had to listen to the hon. Member for Hove at the Dispatch Box taking the side of the EU—but then, the hon. Member wants to rejoin the EU, so I suppose we should not be surprised.

We should also be clear about the reality, when we hear about the flexibility of the European Union and the offer it has made, based on its October offer. That would be a backwards step from the current situation, which is already not working for businesses and people in Northern Ireland.

**Sir Robert Goodwill (Scarborough and Whitby) (Con):** Does my right hon. Friend agree that if the Scottish nationalist party tonight votes against this great piece of legislation, it will be voting to continue the situation whereby Scottish seed potatoes—the best-quality and the healthiest seed potatoes in the world—will be banned from export to Northern Ireland?

**Brandon Lewis:** My right hon. Friend is renowned for always speaking good sense, as he did in that intervention. I can go further; I was given an example not too long ago about the frustration of people in Northern Ireland at not being able to secure a supply of trees from Great Britain to plant in the Queen's canopy to mark the platinum jubilee, because of the threat to the single market. The last time I saw trees uproot and walk across a border was in "Game of Thrones"—I happily commend the "Game of Thrones" studio tour to everybody in this Chamber when they visit Northern Ireland—but that is not a real threat to the EU single market.

The lack of progress and the subsequent failure of the Northern Ireland power-sharing arrangements is exactly why we as a Government must be prepared to act in the best interests of Northern Ireland and for the stability and delivery of the Belfast/Good Friday agreement.

**Karin Smyth:** The Secretary of State talks about the movement of goods. When I was shadow Northern Ireland Minister, I repeatedly asked him, in the run-up to the final decisions, why he did not prepare British businesses better for the agreement he had made. He consistently said, “There is unfettered access, always, both ways.” Why were British businesses not prepared for the deal he agreed?

**Brandon Lewis:** We have delivered unfettered access from Northern Ireland to Great Britain. I appreciate that hon. Lady is talking about where we do have real challenges, with goods moving from Great Britain to Northern Ireland. There were flexibilities and vagueness, and some areas of the protocol, in terms of implementation, were not resolved. That was why we had the grace periods, why we had to extend the grace periods and why we now have the standstill. That is exactly why the EU’s offer, which it pretends provides flexibility, is a backwards step from where we are today; and it is why nobody in this House should accept it unless they are determined to do damage to Northern Ireland.

This legislation will fix the practical problems that the protocol has created in Northern Ireland. It will enable us to avoid a hard border, protect the integrity of the United Kingdom and safeguard the EU single market. The right hon. Member for Tottenham (Mr Lammy) spoke at some length—more than half an hour—in his opening remarks, and yet in the totality of those remarks we heard no plan, no proposal and no alternative from the Labour party, just words. The same goes for the hon. Member for Hove.

There were two interesting points, however. The right hon. Member for Tottenham raised Magna Carta to show the importance of treaties. He is right that Magna Carta is an important piece of our history, but he may want to recall that there were 63 clauses in it, and treaties evolve; that is why only four of them remain in place today. He also outlined, and I quote:

“In our discussions, the DUP had consistently said that it wanted a negotiated settlement”.

I gently say to him that that seemed to be a surprise to all the DUP Members, so he learned something else—*[Interruption.]* He talks from a sedentary position, but he might want to check *Hansard*.

As I say, what we have heard is an outline of noise without any real proposals or any alternative. Many hon. Members, however, have raised important points around the question of legality, particularly my right hon. Friend the Member for Maidenhead (Mrs May) and my hon. Friends the Members for Bromley and Chislehurst (Sir Robert Neill) and for North Dorset (Simon Hoare). I can assure the House that this Bill is not just necessary, but lawful. Proceeding with this Bill is legal in international law and in support of our prior obligations to the Belfast/Good Friday agreement. The protocol is undermining all three strands of the Belfast/Good Friday agreement, as the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) well outlined, and the institutions that underpin it. It is the Government’s

assessment that this Bill is currently the only way to provide the means to alleviate the socio-political conditions while continuing to support the protocol’s overall objectives of including and supporting north-south trade and co-operation, in the interests of both the EU and the UK, by ensuring that we protect its single market while protecting the UK’s internal market. These are all aspects of the Belfast/Good Friday agreement.

We recognise that necessity can only exceptionally be invoked in lawfully justified non-performance of international obligations, as was covered very eloquently by my right hon. and learned Friend the Member for South Swindon. This is a genuinely exceptional situation. It is only in the challenging, complex and unique circumstances in Northern Ireland that the Government have decided to bring forth this Bill. It has always been this Government’s position that should the operation of the protocol or withdrawal agreement be deemed to undermine the Belfast/Good Friday agreement, this would take precedence as the prior commitment under international law. That was outlined back in March 2019 by the then Attorney General and the then Secretary of State for the Department for Exiting the European Union. That was not just the understanding of the UK Government; it was the basis on which the protocol was agreed by both parties. The text of the protocol itself is clear that the Belfast/Good Friday agreement should be protected in all its parts. We should all take note of the important and powerful words of Lord Trimble, an architect of the Good Friday agreement.

Many colleagues have raised article 16. We have always reserved the right to take safeguarding measures under article 16 and have made the case that since the summer of last year, the threshold had been met. This Bill is the most effective, efficient and sustainable way to address the far-reaching problems that have arisen as a result of the application of the protocol. Article 16 in itself does not solve the problems in the way this Bill will. It is not only temporary but starts another process.

Hon. Members such as my right hon. and learned Friend the Member for South Swindon and my hon. Friend the Member for Stone (Sir William Cash) talked about the Northern Ireland Executive and Assembly. We have been clear with all parties in Northern Ireland that we do need to see, and I want to see, the Executive back up and running to deliver for the people of Northern Ireland. That has to be a priority for all of us. We want to see that Assembly and Executive as soon as possible. The people of Northern Ireland deserve a stable and accountable devolved Government who deliver on the issues that matter most to them. It is clear from comments today that this Bill is a key component that will see the Northern Ireland Executive and Assembly return, as we heard from the right hon. Members for East Antrim (Sammy Wilson) and for Lagan Valley. I think we can all welcome those comments. This Bill builds on that work. That is what I have heard in the conversations I have had in meeting all party leaders who want to see Stormont return.

The New Decade, New Approach agreement restored the devolved institutions after a three-year impasse, and we all need to work together to uphold the stability that it provided. We as a Government have a strong record in making sure that the institutions are up and running after too many years of hiatus. The New Decade, New Approach agreement, as set out in legislation, provides

[Brandon Lewis]

for a period of up to 24 weeks for Northern Ireland's political representatives to restore functioning devolved institutions. I expect the parties to make full use of this time to engage with one another in earnest to restore fully functioning devolved institutions and to develop a programme of government that I have written to all the party leaders to encourage work on.

We do have a role on the international stage. The UK has shown what it stands for in the world, not just with rhetoric but with actions, through our extensive support of Ukraine, our unprecedented offer to those fleeing political instability in Hong Kong, and our leadership of international institutions that is demonstrated again this week at the G7 and NATO summits. We have led the way on climate change, as in so many other areas. That is why it is important, and we are focused on ensuring, that we are acting within the bounds of international law. Indeed, we have repeatedly emphasised that it is only the rare, exceptional circumstances in Northern Ireland that make this intervention necessary.

**Stephen Kinnoek:** In a tweet that the Secretary of State issued on 1 January 2021, he said:

“There is no ‘Irish Sea Border’. As we have seen today, the...preparations the Govt and businesses have taken to prepare for the end of the Transition Period are keeping goods flowing freely around the country, including between GB and NI.”

Can he explain how that tweet is compatible with this Bill?

**Brandon Lewis:** Absolutely, and I appreciate the opportunity that the hon. Gentleman gives me to talk about what I said back in January. This highlights exactly the behaviour we expected from the European Union around inflexibility in implementing the protocol. What we have seen since has reinforced that point, and that lack of flexibility and lack of understanding of the nuances of Northern Ireland have led us where we are today. [Interruption.] I gently say to him, while he chunters from a sedentary position, that if he looks at the decisions we took last year to ensure that goods could continue to flow to Northern Ireland, he will see that we took them under criticism from the EU, but they have been vital to ensuring stability in Northern Ireland and access to at least those products that are flown overseas, as international partners have recognised.

The EU has recognised that there are problems with the Northern Ireland protocol; it is just not willing to show the flexibility that is needed to resolve those issues. We are clear that we will ensure that we protect the EU single market, a tiny proportion of which could be deemed to be at theoretical risk. That is why it is important that we get the balance right.

**Ian Paisley:** Can the Secretary of State use this opportunity to confirm something, because there will be businesses listening to his every word? In fact, he is probably box office tonight in Northern Ireland among many businesses. In relation to clauses 4 to 13 of the Bill, can he confirm that goods entering what is called the green channel—going from GB to Northern Ireland—will be treated in exactly the same manner as goods travelling from England to Scotland, or from England to Wales?

**Brandon Lewis:** The hon. Gentleman makes an important point, and it is absolutely our determination that the Bill will ensure a good, flexible free flow of products from Great Britain to Northern Ireland, in the same way that they would move from Great Yarmouth to Carlisle, Birmingham or London. That is what we want to deliver.

One of the reasons we have taken what colleagues refer to as the Henry VIII powers is to ensure that we work with business to make sure that those regulations deliver that free-flowing, flexible process without the bureaucracy that is deterring businesses from accessing Northern Ireland.

**Sir Jeffrey M. Donaldson:** The Secretary of State refers to an important point, namely the regulations that this Bill will make it possible to introduce. Clause 1 is clear that nothing in this Bill should harm the Act of Union. Will he confirm that the regulations that will be brought forward from this Bill will not do anything to harm the Act of Union?

**Brandon Lewis:** Absolutely, and that is why it was important to have that in the Bill—the right hon. Gentleman is absolutely right. Let us be clear: for just under a quarter of a century, the Belfast/Good Friday agreement has been the foundation of peace, stability and political progress in Northern Ireland. All three strands of the agreement are under threat, as we stand here today, and that is a direct result of the protocol. This Bill is the route to a solution. It is legal, it is necessary and it is right for the United Kingdom. Most importantly, it is not just right for the whole UK; it is right for the people and businesses of Northern Ireland. It creates the environment to facilitate the return of a fully functioning Executive.

While the Opposition have voiced criticisms, they have proposed no alternatives. We are taking the decision to act to protect the hard-won gains of the peace process in Northern Ireland. We owe it to the people of Northern Ireland to fix the problems, and that is why, as Secretary of State for Northern Ireland, I commend this Bill to the House.

*Question put,* That the Bill be now read a Second time.

*The House divided:* Ayes 295, Noes 221.

**Division No. 19]**

**[9.58 pm**

**AYES**

Adams, rh Nigel	Baker, Duncan
Afolami, Bim	Baker, Mr Steve
Afriyie, Adam	Baynes, Simon
Aiken, Nickie	Bell, Aaron
Aldous, Peter	Benton, Scott
Allan, Lucy	Beresford, Sir Paul
Anderson, Lee	Berry, rh Jake
Anderson, Stuart	Bhatti, Saqib
Andrew, rh Stuart	Blackman, Bob
Ansell, Caroline	Bone, Mr Peter
Argar, Edward	Bottomley, Sir Peter
Atherton, Sarah	Bowie, Andrew
Atkins, Victoria	Braverman, rh Suella
Bacon, Gareth	Brereton, Jack
Bacon, Mr Richard	Bridgen, Andrew
Badenoch, Kemi	Bristow, Paul
Bailey, Shaun	Britcliffe, Sara

Browne, Anthony  
 Bruce, Fiona  
 Buchan, Felicity  
 Buckland, rh Sir Robert  
 Burghart, Alex  
 Butler, Rob  
 Cairns, rh Alun  
 Campbell, Mr Gregory  
 Carter, Andy  
 Cartlidge, James  
 Cash, Sir William  
 Cates, Miriam  
 Caulfield, Maria  
 Chalk, Alex  
 Chishti, Rehman  
 Chope, Sir Christopher  
 Churchill, Jo  
 Clark, rh Greg  
 Clarke, rh Mr Simon  
 Clarke-Smith, Brendan  
 Clarkson, Chris  
 Clifton-Brown, Sir Geoffrey  
 Coffey, rh Dr Thérèse  
 Colburn, Elliot  
 Collins, Damian  
 Costa, Alberto  
 Courts, Robert  
 Coutinho, Claire  
 Crabb, rh Stephen  
 Daly, James  
 Davies, David T. C.  
 Davies, Gareth  
 Davies, Dr James  
 Davies, Mims  
 Davies, Philip  
 Dinenage, Dame Caroline  
 Dines, Miss Sarah  
 Djanogly, Mr Jonathan  
 Docherty, Leo  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, rh Michelle  
 Dorries, rh Ms Nadine  
 Double, Steve  
 Dowden, rh Oliver  
 Drax, Richard  
 Duddridge, James  
 Duguid, David  
 Duncan Smith, rh Sir Iain  
 Dunne, rh Philip  
 Eastwood, Mark  
 Edwards, Ruth  
 Ellis, rh Michael  
 Elphicke, Mrs Natalie  
 Eustice, rh George  
 Evans, Dr Luke  
 Evennett, rh Sir David  
 Everitt, Ben  
 Fabricant, Michael  
 Fell, Simon  
 Firth, Anna  
 Fletcher, Katherine  
 Fletcher, Mark  
 Fletcher, Nick  
 Ford, Vicky  
 Francois, rh Mr Mark  
 Frazer, rh Lucy  
 Freeman, George  
 Freer, Mike  
 French, Mr Louie  
 Fuller, Richard  
 Fysh, Mr Marcus  
 Garnier, Mark

Ghani, Ms Nusrat  
 Gibson, Peter  
 Gideon, Jo  
 Girvan, Paul  
 Glen, John  
 Goodwill, rh Sir Robert  
 Gove, rh Michael  
 Graham, Richard  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Griffith, Andrew  
 Griffiths, Kate  
 Grundy, James  
 Gullis, Jonathan  
 Hall, Luke  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Sally-Ann  
 Hayes, rh Sir John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, rh 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  
 Javid, rh Sajid  
 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  
 Kawczynski, Daniel  
 Keegan, Gillian  
 Knight, rh Sir Greg  
 Kruger, Danny  
 Kwarteng, rh Kwasi  
 Lamont, John  
 Leadsom, rh Dame Andrea  
 Leigh, rh Sir Edward  
 Lewer, Andrew  
 Lewis, rh Brandon  
 Lockhart, Carla  
 Loder, Chris  
 Logan, Mark  
 Lopez, Julia  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig

Mackrory, Cheryl  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 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 Dame Maria  
 Mills, Nigel  
 Mohindra, Mr Gagan  
 Moore, Robbie  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Morton, Wendy  
 Mullan, Dr Kieran  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, rh Dr Andrew  
 Nici, Lia  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Philp, Chris  
 Pincher, rh Christopher  
 Poulter, Dr Dan  
 Prentis, Victoria  
 Pritchard, rh Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, rh Dominic  
 Randall, Tom  
 Redwood, rh John  
 Rees-Mogg, rh Mr Jacob  
 Richards, Nicola  
 Richardson, Angela  
 Roberts, Rob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robison, Mary  
 Rowley, Lee  
 Russell, Dean

Rutley, David  
 Sambrook, Gary  
 Saxby, Selaine  
 Scully, Paul  
 Seely, Bob  
 Selous, Andrew  
 Shannon, Jim  
 Shapps, rh Grant  
 Sharma, rh Alok  
 Shelbrooke, rh Alec  
 Simmonds, David  
 Skidmore, rh Chris  
 Smith, Greg  
 Smith, Henry  
 Smith, Royston  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander  
 Stephenson, Andrew  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, rh Bob  
 Stewart, Iain  
 Stride, rh Mel  
 Stuart, Graham  
 Sturdy, Julian  
 Sunderland, James  
 Swayne, rh Sir Desmond  
 Syms, Sir Robert  
 Throup, Maggie  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tracey, Craig  
 Trevelyan, rh Anne-Marie  
 Truss, rh Elizabeth  
 Vickers, Martin  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Mr Robin  
 Wallis, Dr Jamie  
 Warman, Matt  
 Watling, Giles  
 Whately, Helen  
 Whittaker, Craig  
 Whittingdale, rh Mr John  
 Wiggin, Sir Bill  
 Wild, James  
 Williams, Craig  
 Williamson, rh Sir Gavin  
 Wilson, rh Sammy  
 Wood, Mike  
 Wragg, Mr William  
 Young, Jacob  
 Zahawi, rh Nadhim

**Tellers for the Ayes:**  
 Scott Mann and  
 Michael Tomlinson

#### NOES

Abrahams, Debbie  
 Ali, Rushanara  
 Ali, Tahir  
 Allin-Khan, Dr Rosena  
 Amesbury, Mike  
 Anderson, Fleur  
 Antoniazzi, Tonia  
 Bardell, Hannah  
 Benn, rh Hilary

Betts, Mr Clive  
 Black, Mhairi  
 Blackford, rh Ian  
 Blackman, Kirsty  
 Blake, Olivia  
 Blomfield, Paul  
 Bonnar, Steven  
 Bradshaw, rh Mr Ben  
 Brock, Deidre

Brown, Alan  
 Brown, Ms Lyn  
 Brown, rh Mr Nicholas  
 Bryant, Chris  
 Burgon, Richard  
 Byrne, Ian  
 Byrne, rh Liam  
 Cadbury, Ruth  
 Cameron, Dr Lisa  
 Carden, Dan  
 Carmichael, rh Mr Alistair  
 Chamberlain, Wendy  
 Champion, Sarah  
 Charalambous, Bambos  
 Cherry, Joanna  
 Clark, Feryal  
 Cooper, Daisy  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 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  
 Doogan, Dave  
 Doughty, Stephen  
 Dowd, Peter  
 Duffield, Rosie  
 Eagle, Dame Angela  
 Eagle, Maria  
 Eastwood, Colum  
 Edwards, Jonathan  
 Efford, Clive  
 Elmore, Chris  
 Eshalomi, Florence  
 Esterson, Bill  
 Evans, Chris  
 Farron, Tim  
 Farry, Stephen  
 Fellows, Marion  
 Ferrier, Margaret  
 Fletcher, Colleen  
 Flynn, Stephen ( )  
 Foord, Richard  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Foy, Mary Kelly  
 Furniss, Gill  
 Gardiner, Barry  
 Gibson, Patricia  
 Grant, Peter  
 Green, Kate  
 Green, Sarah  
 Greenwood, Lillian  
 Greenwood, Margaret  
 Griffith, Dame Nia  
 Gwynne, Andrew  
 Haigh, Louise  
 Hamilton, Fabian  
 Hanna, Claire  
 Hanvey, Neale

Hardy, Emma  
 Harris, Carolyn  
 Hayes, Helen  
 Healey, rh John  
 Hendrick, Sir Mark  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hopkins, Rachel  
 Hosie, rh Stewart  
 Howarth, rh Sir George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jardine, Christine  
 Jarvis, Dan  
 Johnson, rh Dame Diana  
 Jones, Darren  
 Jones, Gerald  
 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  
 Leadbeater, Kim  
 Lewis, Clive  
 Lightwood, Simon  
 Linden, David  
 Lloyd, Tony  
 Long Bailey, Rebecca  
 Lucas, Caroline  
 Lynch, Holly  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Mr Khalid  
 Maskell, Rachael  
 Mc Nally, John  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McGinn, Conor  
 McKinnell, Catherine  
 McLaughlin, Anne  
 McMahan, Jim  
 McMorris, Anna  
 Mearns, Ian  
 Miliband, rh Edward  
 Monaghan, Carol  
 Moran, Layla  
 Morden, Jessica  
 Morgan, Helen  
 Morgan, Stephen  
 Morris, Grahame  
 Murray, Ian  
 Murray, James  
 Nandy, Lisa  
 Nichols, Charlotte  
 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  
 Qaisar, Ms Anum  
 Qureshi, Yasmin  
 Rayner, rh Angela  
 Rees, Christina  
 Reeves, Ellie  
 Reynolds, Jonathan  
 Ribeiro-Addy, Bell  
 Rimmer, Ms Marie  
 Rodda, Matt  
 Russell-Moyle, Lloyd  
 Saville Roberts, rh Liz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Sheppard, Tommy  
 Siddiq, Tulip  
 Slaughter, Andy  
 Smith, Alyn  
 Smith, Cat  
 Smith, Jeff  
 Smith, Nick  
 Smyth, Karin  
 Sobel, Alex  
 Spellar, rh John

Stephens, Chris  
 Stevens, Jo  
 Stone, Jamie  
 Streeting, Wes  
 Tami, rh Mark  
 Thewliss, Alison  
 Thomas-Symonds, rh Nick  
 Thompson, Owen  
 Thomson, Richard  
 Thornberry, rh Emily  
 Timms, rh Sir Stephen  
 Trickett, Jon  
 Turner, Karl  
 Twist, Liz  
 Vaz, rh Valerie  
 Wakeford, Christian  
 Webbe, Claudia  
 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:**  
 Navendu Mishra and  
 Mary Glindon

*Question accordingly agreed to.*

### NORTHERN IRELAND PROTOCOL BILL (PROGRAMME)

*Motion made, and Question put forthwith (Standing Order No. 83A(7)),*

That the following provisions shall apply to the Northern Ireland Protocol Bill:

#### *Committal*

(1) The Bill shall be committed to a Committee of the whole House.

#### *Proceedings in Committee*

(2) Proceedings in Committee of the whole House shall be completed in three days.

(3) The proceedings—

(a) shall be taken in the order shown in the first column of the following Table, and

(b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

#### TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
Clauses 1 to 3, 15 and 16; new Clauses and new Schedules relating to the subject matter of those clauses	Three hours after the commencement of proceedings on the Bill on the first day.
Clauses 4 to 6 and 24; new Clauses and new Schedules relating to the subject matter of those clauses	Six hours after the commencement of proceedings on the Bill on the first day.

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
Clauses 7 to 11; new Clauses and new Schedules relating to the subject matter of those clauses	Three hours after the commencement of proceedings on the Bill on the second day.
Clauses 12 and 17; new Clauses and new Schedules relating to the subject matter of those clauses	Six hours after the commencement of proceedings on the Bill on the second day.
Clauses 13, 14, 18 and 20; new Clauses and new Schedules relating to the subject matter of those clauses	Three hours after the commencement of proceedings on the Bill on the third day.
Clauses 19, 21 to 23, 25 and 26; new Clauses and new Schedules relating to the subject matter of those clauses; remaining proceedings on the Bill	Six hours after the commencement of proceedings on the Bill on the third day.

#### *Consideration and Third Reading*

(4) Any proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

(5) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

#### *Programming Committee*

(6) Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

#### *Other proceedings*

(7) Any other proceedings on the Bill may be programmed.—*(Andrea Jenkyns.)*

*Question agreed to.*

### **NORTHERN IRELAND PROTOCOL BILL (MONEY)**

*Queen's recommendation signified.*

*Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),*

That, for the purposes of any Act resulting from the Northern Ireland Protocol Bill, it is expedient to authorise:

- (1) the payment out of money provided by Parliament of:
  - (a) any expenditure incurred under or by virtue of the Act by a Minister of the Crown, government department or other public authority, and
  - (b) any increase attributable to the Act in the sums payable by virtue of any other Act out of money so provided;
- (2) any other charge on the Consolidated Fund or the National Loans Fund, or any other charge on the public revenue, arising by virtue of the Act.—*(Andrea Jenkyns.)*

*Question agreed to.*

### **NORTHERN IRELAND PROTOCOL BILL (WAYS AND MEANS)**

*Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),*

That, for the purposes of any Act resulting from the Northern Ireland Protocol Bill, it is expedient to authorise:

- (1) any taxation, fees or charges or any other charge on the people arising by virtue of the Act;
- (2) the payment of sums into the Consolidated Fund or the National Loans Fund.—*(Andrea Jenkyns.)*

*Question agreed to.*

## **Business without Debate**

### **COMMITTEES**

**Madam Deputy Speaker (Dame Eleanor Laing):** With the leave of the House, we will take motions 5 and 6 together.

*Ordered,*

#### **EUROPEAN SCRUTINY**

That Mr David Lammy be discharged from the European Scrutiny Committee and Geraint Davies be added.

#### **EUROPEAN STATUTORY INSTRUMENTS**

That Jo Stevens be discharged from the European Statutory Instruments Committee and Sir Mark Hendrick be added.—*(Sir Bill Wiggin, on behalf of the Committee of Selection.)*

**Madam Deputy Speaker:** With the leave of the House, we will take motions 8 to 10 together.

*Ordered,*

#### **HOME AFFAIRS**

That Matt Vickers be discharged from the Home Affairs Committee and James Daly be added.

#### **JUSTICE**

That Matt Vickers be discharged from the Justice Committee and James Daly be added.

#### **WELSH AFFAIRS**

That Tonia Antoniazzi be discharged from the Welsh Affairs Committee and Wayne David be added.—*(Sir Bill Wiggin, on behalf of the Committee of Selection.)*

## Soft Plastic Recycling: South Gloucestershire

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

10.13 pm

**Luke Hall** (Thornbury and Yate) (Con): Protecting our natural environment is one of the greatest challenges we face. Doing so requires a global effort, from business, Government, communities and, ultimately, individuals. For many in our community, one of the most common ways people can play their part is to recycle so I am delighted to have secured this debate, which allows me to raise the important matter of soft plastic recycling in South Gloucestershire.

The Government's 25-year environment plan has set an ambitious target of eliminating all avoidable plastic waste by 2043. However, it is vital that we move faster in those areas in which we can. Good progress has been made in meeting the ambition for all plastic packaging placed on the market to be recyclable or reusable by 2025, but we can see the benefits of packaging being recyclable only if systems are in place to allow people to dispose of such items in a sustainable way.

One of the most common forms of recyclable plastics used in Britain today is soft plastics, which are lightweight and include shopping bags, yoghurt lids, crisp packets, bubble wrap, bread bags and chocolate wrappers. They are generally the kind of plastics that can be scrunched up and will ping back out when we let go of them. However, soft plastic recycling facilities can be difficult to access, especially for those who live in rural areas or who have limited mobility. It is therefore vital that we take further steps to roll out soft plastic recycling options and facilities so that those plastics can be disposed of sustainably rather than sent to landfill.

The Government have made incredible progress on environmental protection. There has been broad support for the introduction of one of the world's toughest bans on microbeads—I campaigned on that issue as a member of the Environmental Audit Committee when I was first elected to this place—and measures to reduce the supply of plastic straws, plastic drink stirrers and plastic-stemmed cotton buds. Usage of single-use carrier bags in supermarkets has been reduced by 95% since the 5p charge was levied—and, of course, that doubted to 10p and has been rolled out to all retailers. I am delighted that the Environment Act 2021 has given Ministers a framework for extended producer responsibility, plastic bottle deposit return schemes and greater consistency in recycling to help drive down plastic waste.

There have been enormous efforts to reduce our dependence on single-use plastic. Commitment has been shown by businesses, councils, schools and, of course, individuals in their own homes. The Environment Act also requires that all waste collection authorities make their own arrangements for a core set of materials to be collected for recycling from households. That includes plastic, card, food waste, metal, garden waste and paper. Many have welcomed the steps taken to boost the market for plastic recycling, including the plastic packaging tax that came into force in April, which will see a charge of £200 per tonne on plastic packaging with less than 30% recycled content. However, we need to go further

and start to introduce soft plastics into regular kerbside collections in South Gloucestershire and across the country.

There are many examples of where schemes to boost soft plastic recycling are already happening, with a number of retailers in the private sector having rolled out soft plastic collection points at their own expense. That includes Tesco, which has sites collecting soft plastic in Thornbury and Yate in my constituency, as well as Co-op. Walkers has also introduced a recycling scheme allowing it to recycle millions of crisp packets every year, and Hovis is doing a similar thing with bread bags. So good practice is happening, but in local authority areas such as South Gloucestershire, residents living in rural villages and those with limited mobility can find it difficult to access soft plastic recycling points, which are often located in towns and in hard-to-reach places. A wider-ranging initiative is therefore needed to ensure greater accessibility for everybody in the community. We need Government and councils to work together to take the next steps and to help tackle the problem.

**Chris Skidmore** (Kingswood) (Con): I declare my interest not only as a Member of Parliament for South Gloucestershire but as chair of the all-party parliamentary group on the environment. I thank my hon. Friend for calling this important adjournment debate on soft plastic recycling, because it is the future. We have done so much both as a Government and in local authorities on looking at how to recycle hard plastics, but my constituents in Kingswood consistently ask me why they cannot recycle plastic bags and plastic material, which make up an overwhelming proportion of our waste. It seems so futile to be throwing it into landfill. We have the opportunity for every local authority—not just South Gloucestershire—to take this forward. I really believe that we should not just have a pilot exercise. The Government must up their ambition nationally as well as by helping South Gloucestershire to achieve its ambition of becoming a net zero council by 2035 through measures such as soft plastic recycling. On the third anniversary of the Government signing up, in law, to net zero, what could be better than the Minister committing to introducing improved soft plastic recycling facilities in South Gloucestershire? Perhaps we could also tease out a commitment to additional soft plastic recycling opportunities not just in the private sector but in the public sector, and ask the Government to take a critical role, as they did with net zero three years ago. We could lead the world in recycling soft plastics. So many countries would follow our lead, as they did with net zero.

**Luke Hall:** My right hon. Friend is being incredibly modest. He talks about the Government signing net zero into law three years ago; I seem to recall that he was the Minister of State who did that. I am grateful to him for backing this campaign, and for his work in driving this agenda forward, both in South Gloucestershire and nationally. He is absolutely right that speed and scale of ambition is so important—not just from Government, but from businesses, individuals and local authorities.

In April last year, the Government brought forward a consultation, which suggested that local authorities should collect soft plastics at the kerbside by the end of the 2026-27 financial year. The Government say that a

response to the consultation will be published “shortly”. My right hon. Friend and I have both served in Government, and we know that the term can mean different things, so we would be grateful for an update on when we will hear more information. We are desperate to see this measure rolled out, and are so passionate about it.

I am pleased to say that South Gloucestershire Council leads the way on general recycling in the south-west; it has one of the highest recycling and composting rates in the UK. Since the Conservatives took control of the council in 2015, the recycling rate has increased year on year to record levels, reaching a high of over 59% in 2019-20. Last year, South Gloucestershire Council was ranked fifth of 92 unitary authorities across the UK for recycling, so I pay tribute to it. I also put on record my thanks to the amazing local refuse teams and council officers for the incredible work that they did during the pandemic to keep things moving, and to keep delivering that core, essential service.

I am pleased that that the council is investing heavily in the local services that really matter in our communities. A new recycling deposit site is being built in Mangotsfield in my right hon. Friend’s constituency, and substantial renovation work is being carried out at the recycling deposit site in Filton. Of course, improving recycling rates requires leadership in the community—from Parliament, Ministers and MPs, but also from councillors and council leaders. That is why I was so pleased to see the leader of South Gloucestershire Council, Toby Savage, leading from the front, and volunteering with refuse teams during the pandemic to make sure that we could keep them going.

Although we are delivering locally—we have a good track record in South Gloucestershire—there is an issue with the number of local authorities collecting soft plastics. Only 17% of councils provide a soft plastic waste collection service. There is a need to do more. I absolutely support the ambition and aims of last year’s consultation, because there is a need for further standardisation, and there should be further incentives for councils to take action to stop plastic going into landfill needlessly.

In South Gloucestershire, we are supporting efforts to protect and improve the natural environment; it is a priority for us. I surveyed every elector in swathes of my constituency earlier this year—those in all the rural villages, including Frampton Cotterell, Chipping Sodbury, Old Sodbury, Horton, Rangeworthy, Tytherington, Iron Acton and Hawkesbury Upton—about the environmental issues that are important to them. The issue that came out top in every single village was the need to do more on plastic recycling, and particularly soft plastic recycling.

Alongside councillors, fellow local Members of Parliament and campaigners, I worked with the council to submit a bid to take part in the Flexible Plastic Fund’s FlexCollect project, a pilot scheme that is being run alongside the Minister’s Department, in collaboration with SUEZ Recycling and Recovery UK, to roll out soft plastic recycling facilities and services in the community.

On 6 May this year, I wrote to the Minister to request that DEFRA include South Gloucestershire Council in the scheme. I understand that the Flexible Plastic Fund has confirmed that a detailed categorisation and benchmarking process is being undertaken to select

suitable councils and to consider factors such as socio-demographics, geography and the existing collection systems that different councils have in place that have applied to be in the scheme. It wants to make selections that reflect the whole United Kingdom as quickly as it can.

South Gloucestershire is leading the way in recycling across the west of England. We have record rates being delivered and a range of urban and rural communities, which makes us perfect to conduct the trial. This is the most pressing environmental concern for my constituents. The demand is here, because whether we are talking about fruit and veg packaging, crisp packets, films on yoghurts, pasta packets, cling film, salad packaging, bubble wrap or pet food pouches—you name it; South Gloucestershire wants to recycle it. I ask the Minister for her support for South Gloucestershire Council’s bid to be in this vital pilot scheme.

Environmental protection is one of the most important issues facing our planet. We have made incredible progress in leading the fight. We were the first major economy to set a net zero target in law, which was signed by my right hon. Friend the Member for Kingswood. We hosted the COP26 summit last year. We led the way in arguing for the Glasgow climate pact to speed up the pace of climate action. Of course, there is always more to be done. That is why we are here this evening to call for an achievable, tangible change that can improve the amount of recycling that we do in South Gloucestershire and reduce the amount going to landfill. It is vital that we are included in the pilot scheme as part of the FlexCollect project. I would be grateful for the Minister’s support for the bid, and I look forward to her response.

10.26 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jo Churchill):** I thank my hon. Friend the Member for Thornbury and Yate (Luke Hall) for securing this debate on the important issue of soft plastic recycling—he was ably aided by my right hon. Friend the Member for Kingswood (Chris Skidmore) in pointing out how important this is—and I begin by saying what a champion he is on this issue. He knows that the Government are committed to tackling plastic pollution. As he outlined, we have a range of ambitious policies to do so. Plastic film makes up a third of all plastic packaging placed on the market, so driving better recycling is particularly important.

Plastics often get a bad name, but they are incredibly important and useful because their strength and versatility make them a very valuable material in many areas of life. For example, the plastic packaging that challenges us when we try to get rid of it also preserves our food and plays a key part in extending the shelf life of some items and in reducing food waste. However, plastics cause problems when they leak out of the system into the environment. As my hon. Friend said, they can pollute our waterways and oceans and harm our wildlife.

The ban on microbeads—which my hon. Friend referred to—in rinse-off personal care products will help to stop billions of tiny pieces of plastic potentially entering the aquatic environment every year. We are reforming the waste system to ensure that we reduce, reuse and recycle plastic. By ensuring that more plastic is recycled, we will cut the amount of that valuable resource that is sent

[Jo Churchill]

to landfill. We can also achieve carbon savings from reducing the amount of plastic waste that is sent to incineration. Arguably, the driver there is to reduce that consumption.

On consistency in recycling—my hon. Friend mentioned the different streams—through our landmark Environment Act 2021, which the House passed last November, we will ensure that all homes and businesses get the proper recycling service to which he referred. That will ensure that the same set of materials are collected across England, making it easier for our councils to deliver and making it clearer to the public what they can and cannot recycle. He spoke about our working together and, arguably, that will make it much easier from the get-go. Plastic film makes up a third of all plastic packaging on the market, yet, as my hon. Friend mentioned, only about a fifth of local authorities in England—17%—currently collect plastic film. Just 5% of plastic film put on the market is recycled. That is a woeful figure that we need to drive up.

My right hon. Friend the Member for Kingswood said that we need to be ambitious. I assure him that we intend to be ambitious. We recognise that there are challenges with the collection and sorting of material, but doing more is absolutely at our heart. We have received a clear message from industry that it requires early signalling of the intent to require the collection of plastic film and flexible packaging for recycling to stimulate the necessary investment needed to improve infrastructure. My hon. Friend the Member for Thornbury and Yate is right that it is better in some parts of the country than in others.

To provide that early signal, in our recently published consultation on extended producer responsibility for packaging, we announced that plastic film would be collected from every home and business in the UK by 2027, so the starting gun has been fired. Including plastic film and flexible packaging in kerbside collections will make things much easier and much more convenient for our householders and businesses. Until then, supermarkets and others in the private sector are performing a key role by providing further opportunities for in-store collection of plastic film for recycling. My hon. Friend mentioned one or two companies that are really beginning to push for suitable and sufficient facilities, very often because customers are demanding it.

I appreciate my hon. Friend's point about access to wider retailer collection schemes for soft plastics. I agree that a wider-ranging initiative such as kerbside collections is needed to ensure that people in rural as well as urban areas are able to access facilities and recycle their soft plastics.

I thank my hon. Friend for his interest in the collection and packaging reforms. We will publish a response to the consultations on consistency and the deposit return scheme shortly. We received a wide range of views from stakeholders. Building a large, complex system obviously takes time, but we want to make sure that we get it right.

Extended producer responsibility for packaging ensures that packaging producers, not the taxpayer, cover the cost of disposing of packaging that they put on the market, powerfully encouraging them, along with the plastic packaging tax, to make their products easier to recycle. Under extended producer responsibility, we are introducing modulated fees to drive producers to make more sustainable

packaging designs. This will help to reduce unnecessary plastic packaging and incentivise the use of recyclable materials.

The Government have also invested £20 million into four new facilities to support the development of new plastic waste recycling technologies. We expect that private investment will continue and increase as we move towards legislating on the requirement to collect plastic film from households and businesses.

To support our ambitious goals to recycle plastic film, the Department for Environment, Food and Rural Affairs, alongside the Flexible Plastic Fund, UK Research and Innovation and Zero Waste Scotland, is funding a multimillion-pound pilot project on flexible plastic kerbside collections. The FlexCollect project, launched in May, will provide financial support for selected local authorities to roll out kerbside collections in trials over a three-year period. Insights from the project will be invaluable in informing how councils can best collect plastic film.

I encourage all councils to express their interest in the project. To ensure that the project is as beneficial as possible in informing the roll-out of plastic film collections on a national level, it will need a good cross-section of local authorities to make it a success. We need to understand the challenges and successes in rolling it out to all households and businesses so that people are able to recycle their plastic film, whether they are in a rural location or in the centre of a city. The selection process will help to identify whether local authorities are a good fit for the project and due diligence will be applied. Appropriate governance structures are in place to ensure that the selection process is fair and transparent; I am sure that my hon. Friend agrees and approves.

The project is being managed by a consortium of organisations including: Ecosurety, SUEZ Recycling and Recovery UK Ltd, RECOUP and WRAP, the Waste and Resources Action Programme. A cross-section of industry stakeholders including the Local Authority Recycling Advisory Committee, the National Association of Waste Disposal Officers, the Chartered Institution of Wastes Management and the Environmental Services Association are also involved to ensure all parts of the value chain involved in the collection and recycling of this material are considered. I understand that announcements will be made about participation in the Flexible Plastic Fund's FlexCollect project over the next few months. I am truly delighted that South Gloucestershire Council has submitted a bid for FlexCollect. I am sure that it will be carefully considered, and, like my hon. Friend, I pay tribute to all those who work in the refuse and recycling sector. It is great to see councils such as his driving progress in recycling, and challenging themselves to do better and do more for their residents.

I thank my hon. Friend again for initiating the debate. I know that he is a tireless champion for the environment as well as the people of Thornbury and Yate, and that he builds on the excellent work of South Gloucestershire Council across a range of areas. The Government are committed to leaving our environment in a better state than the one in which we found it, and fighting plastic pollution and providing easy systems for our residents and businesses are a key part of that legacy.

*Question put and agreed to.*

10.36 pm

*House adjourned.*

# Westminster Hall

Monday 27 June 2022

[CHRISTINA REES *in the Chair*]

## School Week

4.30 pm

**Catherine McKinnell** (Newcastle upon Tyne North) (Lab): I beg to move,

That this House has considered e-petition 597715, relating to the school week.

It is a pleasure to serve under your chairmanship, Ms Rees. The petition calls on the Government to require schools to introduce a three-day weekend. It argues,

“Children can have lots of stress at school due to exams and homework and with a 3 day weekend, children could have a longer time to relax”.

When we received the petition in Parliament and I saw how fast it attracted more than 100,000 signatures, my first thought was, “What lies underneath this request?”, so I set about finding out. We arranged informal discussions with teachers, healthcare professionals and young people to help inform our debate today. One message that came across loud and clear from everyone that I spoke to was the state of our children’s mental health post lockdown. Teachers told us that children are finding it difficult to make it through the school week, and pupils said they found coming to school difficult and struggled to make it all the way to Friday.

From April to September 2021, more than 337,000 under-18s were referred to child and adolescent mental health services. That is up by a staggering 81% from the same three months in 2019. That compares with only an 11% rise in referrals for adults aged 19 and above. It is clear that the pandemic has had a significant impact on our young people’s mental health. One teacher I spoke to, who had worked in some of the most disadvantaged parts of the north-east, said that she had never experienced anything comparable to the pandemic in terms of the ongoing mental health impact on her pupils.

As part of our outreach, the Petitions Committee ran a survey. Most of the young people that responded expressed strong support for a four-day school week as a solution to the stress and anxiety that many face. One said,

“If Fridays were a part of the school weekend, I would feel so relieved and happy as I can get a longer break from...the stress, peer pressure, bullying...and it would allow more ‘me time’ as some call it.”

Another one told us,

“I at one point had to take GP recommended mental health days off from school, I found that on the days I was at school I was more focused, more excited to learn and more positive about my education in general.”

Another found school to be an inherently stressful place and, distressingly, said,

“Right now, when I walk through the gates of school, I get itchy skin and the bottom of my jaw goes bumpy from stress.”

It was heartbreaking to hear some of the anxieties that many children have around going to school. Our schools should be places to learn about the world and to socialise and develop in a variety of ways. That many children

have such fear about going to school should be a concern for us all. How much can a child learn if they are stressed and anxious to the degree that some of these young people clearly are?

None the less, I worry that reducing the number of days that children spend in school would not be the right solution. From the conversations I have had, I know I am not the only one. Let me set out the reasons why. I worry that it would not address the root cause of the problems that many students are concerned about: bullying, peer pressure, harassment on social media, or problems keeping up with their school work. I fear it would simply increase the pressure on young people on their remaining days in school. Without wider changes to our education system, children would have to learn the same curriculum and prepare for the same exams, but in less time, with just four schooldays a week instead of five.

I am also acutely aware of the impact that a four-day week would have on the country’s most marginalised children. For some, school is the only place that they get a decent meal, or gives them respite from a difficult situation at home. The idea of taking that away from them fills me with concern, and many teachers share that concern. Although I cannot support moving to a four-day school week, we cannot ignore the petition as a cry for help.

Many children and young people are still recovering from the emotional trauma of the past two years and dealing with the collapse in mental health support. With all the demands of the curriculum, some of the schools they attend are clearly struggling to find the time and support to look after their pupils’ wellbeing. To gather more in-depth evidence, I spoke to a group of year 7s and a group of year 8s at a school in Newcastle. I wanted to hear at first hand what the school week felt like for them, and whether they thought the call for a three-day weekend would help. Their feedback was so helpful, and I am so grateful to all the young people who engaged and contributed so thoughtfully, as well as the staff who helped to facilitate it.

At the beginning of the session, I asked both groups to indicate with a show of hands whether they thought shortening the school week to four days was a good idea. In the year 7 group, every single pupil put their hand up and agreed with the petitioners. Among the year 8s, however, the proposal was not so popular: only about half supported it. At the end of the session, I asked both groups again what they thought. I will tell Members in a moment how their views changed.

What came out most strongly from our discussion was just how tired pupils feel by the end of the school week. Many thought that a four-day week would be a sensible solution, helping them to feel less tired. Others argued that since they were so tired and unproductive by the end of the week, an additional day off would not actually affect their performance at school, because they would have more time to rest and recover and be more productive on their days in school. One pupil just said, “By Friday, I’m so tired.” I am sure many adults would sympathise. Some argued that they had to spend most of Saturday recovering from the school week, and would then do their homework on Sundays, so the two-day weekend did not give them much of a break. One respondent to our survey said,

[Catherine McKinnell]

“Some weekends I can’t even fit homework in which requires me to have to wake up extra early in the morning or stay up extra late at night in order to get it done which leaves me exhausted for the next day. It just feels like a never-ending cycle and that I am drowning in responsibilities.”

Those are the words of a child.

When pupils were asked what they would do with their extra day off, some said they would enjoy enriching activities such as painting and drawing, while others said they would play outside. When challenged, some did admit that they might end up spending more time on their mobile phones, and the teachers we spoke to suspected that late-night phone use and gaming contributes to their tiredness as much as school does. However, I was hugely impressed by how deeply those Newcastle pupils thought about the proposal. As the discussion in the classroom progressed, there was a clear shift in both groups’ views, as they reasoned that increasing the weekend would have a knock-on effect on the school week. There was a realisation that Monday to Thursday would become very intense and rigidly academic: teachers would have to cover the same curriculum in fewer days, and might be forced to drop some of the activities that the children enjoy. Some year 8s said that the need to cram everything into four days would actually cause more stress.

I worry that the proposed four-day week would not address the issues of stress and anxiety, and could actually add to them. We have some evidence of that: while there have been no significant experiments with a four-day week in this country, it has become common in some parts of the United States. The National Conference of State Legislatures has estimated that around 560 districts in 25 states have allowed at least one of their schools to adopt a four-day school week. More than half of those districts are in just four states: Colorado, Montana, Oklahoma and Oregon. However, that shift has not reduced the length of time that pupils spend at school. Teachers have made up for the lost day by adding extra time to other days or, more rarely, shortening the school holidays. As *The Colorado Sun* reports,

“Since the North Conejos School District switched to a four-day week last year, teachers cut out the chill afternoons when kids would watch movies, the free time that sometimes filled the space between math and art class. It is bell-to-bell learning.”

As it is, schools in this country already find covering the curriculum almost impossible. For example, one of the issues that the Petitions Committee is looking at is that of water safety. Some 277 people in the UK lost their lives in water accidents last year, which campaigners have told us could be prevented with some very basic water safety knowledge. Water safety is part of the school curriculum and is supposed to be taught in every school, but it is just not happening. The teachers we spoke to said that they have to spend a great deal of time helping children to learn social and emotional skills that the education system presumes are already there. One teacher at a disadvantaged primary told us:

“All I’m teaching in Reception is basic parenting”.

If the school week, the curriculum and school funding allowed for more enrichment activities that developed social and other skills, it would make school more fun and less tiring for children and young people; it would help teachers who are feeling overwhelmed, and support better learning outcomes.

Some of the pupils suggested reconfiguring the school week to have more spaced-out breaks. They said it could look something like the French model—although they did not label it as that—where there is time off on Wednesdays to space out breaks a little more, or university, where people get Wednesday afternoons for sport. Others wanted optional clubs on the day off, so they could go into school for half a day and use it for sport and social activities—a bit of breathing space in the middle of the week.

When Alan Shearer, the famous Newcastle footballer, opened the Sport@Gosforth centre at Gosforth Academy, he gave a speech that left quite an impression on me—I hope I am not putting words in his mouth. He said that he did not particularly enjoy the academic side of school, but what got him up every morning and got him there was the promise that he would get to play football. We need to ensure that every child gets to do something they love in school. If they love it, it is generally because they are good at it, and if they are good at it, it builds their confidence in other areas of their education.

Another problem with reducing the school week is that it could disproportionately impact children from more disadvantaged backgrounds, which would exacerbate the existing inequalities in our education system. Parents and carers would be required either to look after their children or find someone else to do so, particularly in the case of younger children, and we know that a lot of families face challenges relating to childcare. One parent told us:

“I know many children rely on school as a lifeline for food, respite from difficult home environments and for childcare for working parents who have low-paid work.”

More than half of pupils who responded to our survey said that they would spend significant time on their extra days off taking part in activities such as music, art or learning another language. Likewise, parents told us that they would pay to supplement their child’s learning through participating in clubs, educational visits, outdoor learning or other lessons. My concern is that children from more disadvantaged backgrounds would miss out on those opportunities because their families have fewer resources. Within schools, children have access to the same learning resources and the same learning environment. Although disadvantage still plays an outsized role in determining educational outcomes, schools are a really important space for trying to level the field—level up, if you like—for every young person.

I am especially concerned about the potential impact on the most disadvantaged, including those with special educational needs and children with extremely difficult home lives. One pupil told us that she would like to have the extra day off, but she worried about her autistic brother because his default behaviour is not to leave the house unless he must. She said that she would go to the park on her extra day off, but an extra day at home for her brother would just be another day with no one to talk to. Although 83% of pupils told us that they would spend Fridays with family, we know from the explosion in post-lockdown safeguarding disclosures that many parents are at work five days a week, so that could add to the challenge of finding childcare and making sure children are safe. For others, home just is not a happy place to be. I worry that less time at school means that more safeguarding would be missed. One teacher told us that for some of her pupils, a school meal is sometimes the only meal they get. She asked:

“If we take that day away from them, are we confident they’re going to get it at home?”

When I asked the pupils what they thought about the four-day week for the second time, after discussing all these issues, the results were quite different. After thinking about it and discussing it, every year 7 pupil who supported it at first was against it in the end. Year 8s, who had been less supportive initially, were even less so by the end, with just one pupil sitting on the fence. If I am honest, I think those young people made the right call.

For the reasons I have outlined, I cannot personally support the petitioners' call to reduce the school week, but I hope the Minister has heard the case made by the almost 150,000 people, many of whom are young people at school, who signed this petition. I hope he will give their views full and proper consideration when he responds. We have to engage with the concerns that lie beneath the petition.

We have discussed children and young people's mental health in this House many times, but the virtual collapse of child and adolescent mental health services is the elephant in the room. The number of children and young people on a CAMHS waiting list soared over the pandemic, as I mentioned earlier, but the wheels came off the system long before that. The tragic reality is that more and more young people with incredibly serious mental health issues are being turned away and told they do not meet the required thresholds.

*The Guardian* reported earlier this year that one actively suicidal child, who had been prevented from jumping off a building earlier that day, was told they could not be assessed by the crisis CAMHS team unless their GP submitted a written request. In another part of the country, a pre-teen boy was found with a ligature in his room, yet the absence of any marks around his neck meant the referral criteria had not been met because it did not appear that he had tried to take his own life. There is not a single CAMHS employee who wants things to stay this way. They care deeply about their services and children and young people's mental wellbeing. They are trying to do their best with what they have been given, but we need to invest in child mental health services.

I know that the Government do not agree with the petitioners' call for a four-day school week either, because they have written to say so, but I hope that the Minister will look at this issue. Children and young people face significant challenges as a result of the pandemic. We are now living through a crisis in mental health that cannot be ignored. It is abundantly clear that the support available in schools and the NHS is not sufficient to meet demand. We need a proper plan to change that. We need to fund a full-time member of staff in every secondary school whose job it is to support pupils' mental health and stop problems escalating. Primary schools must be able to access specialist support in their area. We need an expansion of our mental health workforce and guarantees that in the more severe cases, young people can access timely support for their mental health—within a month at most.

We need not only to treat the symptoms of poor mental health in young people but to address the causes, including an intensely pressurised curriculum that leaves less time to develop other, broader skills and for children to do the things that they love. It is no criticism of teachers and support staff, because they work incredibly hard to deliver a dense curriculum within constrained

budgets and timeframes. That is why the system must find the breathing space for children and young people to do a bit more of what they love to give them a spring in their step as they go to school each morning.

As our children recover from the traumatic experience of the last two years, we need to support schools to deliver enriching activities, to build in time for children to socialise and learn new skills, from music, drama and sports to outdoor activities. We have to be able to offer something for everybody in school. If we are genuinely looking to level up and help people to improve their life chances, which surely has to be the purpose of our education system, let us not reduce it to four days: let us make the five more enriching and more fun.

4.48 pm

**Stephen Morgan** (Portsmouth South) (Lab): It is a pleasure to serve under your chairship, Ms Rees. I congratulate my hon. Friend the Member for Newcastle upon Tyne North (Catherine McKinnell) on introducing the debate. She spoke powerfully about a number of issues of shared concern: the impact of the pandemic on children's mental health; the anxiety and stress some children face when they go to school; the need to ensure that school works for everyone; how a four-day week may increase pressure on children, and how a reduction in school days could disadvantage children from poorer backgrounds. I take this opportunity to thank my hon. Friend for engaging, as part of her Committee's work, with a number of children to understand their views and concerns, including about the solutions to the issues that have been raised.

I understand that the petition was co-ordinated mainly by children, so I want to take a moment to applaud their campaigning efforts and dedication to raising the issues that matter to them. Their voice is not always heard in this place. Unfortunately, on this occasion I cannot give them exactly what they want, but their petition raises some important issues that I would like to address.

First, Labour believes that the best place for children to learn is in a classroom with their friends. Although the impact of the pandemic still looms large on absence rolls and in attainment, the majority of children are now back in the classroom on a regular basis. Given the two and a half school years of unprecedented disruption that pupils experienced, with millions of days of school missed and a lack of access to extracurricular activities, I do not think parents or the wider economy would thank me if the Labour party were to advocate for a shorter school week, which would mean losing a further 38 days per year.

We know that those who spent the most time out of school during the pandemic suffered the greatest disadvantage. We also know from a recent report by the Children's Commissioner that the majority of children missed their friends and that they value those relationships, which are so important for children's wellbeing and for honing the skills they will need throughout their lives.

Ministers have announced a 32.5-hour school week as part of their White Paper and subsequent Schools Bill, but that is business as usual for most schools. Eight out of 10 are already delivering it, and the reality is that those that do not are so close that the change will add only minutes.

[Stephen Morgan]

There are ways that we can enrich the school day without being prescriptive about its length. Both the Education Policy Institute and the Education Endowment Foundation have said that delivering a range of extracurricular activities, from arts and music to academic and pastoral support, should be a critical part of any lost learning recovery plans. As you will be aware, Ms Rees, the Labour Government in Wales are seizing the initiative by running a fully funded national trial that guarantees five hours of enrichment activity for children per week. It may be small in scale but it is big in ambition. Activities include art, music and sport, as well as sessions linked to core academic skills such as reading. The schools involved volunteer to take part in order to support disadvantaged learners and improve access to social and cultural opportunities following the pandemic.

A couple of months ago, I travelled to Neath to visit a school taking part in the trial. Although we arrived as the school day was ending, the halls were buzzing with activity. I met students who had done a cooking class, making spaghetti, cookies, and even pizza in a mug. I met a pupil called Ben, who was carefully sculpting a small clay pot. He eagerly explained that he had never done anything like this before, and around the room a series of other creations were coming to life. Welsh Labour's investment in children's futures is filling classrooms with knowledge, creativity and excitement.

For these reasons, extracurricular activities are central to Labour's recovery plan. Our proposals would deliver a fully funded range of extracurricular clubs and activities to boost time for children to learn, play and socialise after months away from their friends. Labour is prioritising the value and experiences that children get in school. That delivers genuine enrichment in a way that Ministers' arbitrary clock watching does not.

The petition and the associated survey rightly prioritise the importance of mental health and wellbeing, as my hon. Friend the Member for Newcastle upon Tyne North mentioned. Children and schools increasingly find themselves on the frontline of that silent pandemic. Even before covid, the NHS suggested that as many as one in six children aged between five and 10 suffered from mental ill health, but across England last year three quarters of children were not seen within four weeks of being referred to children's mental health services. Worse still, over a third of children were turned away from mental health services, despite having a referral from a professional. On this Government's watch, waiting times have exploded and the availability of treatment has plummeted. That is why Labour's children's recovery plan prioritises having a mental health professional delivering quality support for children in every school.

The current school week is also important in the context of childcare—a problem facing many families across the country. Childcare is critical for learning and development, and it is intrinsically linked to our wider economic prosperity, but the cost of living crisis means that parents are increasingly priced out of care. Before the pandemic, children on free school meals arrived at school almost five months behind their peers. Spiralling costs will make that worse.

The average cost of a full-time nursery place for a child under two has risen by almost £1,500 over the last five years. The United Kingdom has one of the highest

childcare costs as a proportion of average income; at 29%, we are 19% higher than the OECD average. That is perpetuating a gross inequality that is holding women back. Some 1.7 million are prevented from taking on more hours of paid work due to childcare issues. We lose £28.2 billion in economic output every year as a result. That contributes to the farcical situation in which a young family's income would actually be higher if they remained on universal credit than if both parents were back in work and paid for childcare. Of course, that is more punitive for single parents.

Changing the length of the school week would mean that those parents would find childcare solutions even more challenging. That is not a cost we can reasonably ask them to bear. We need wider action to tackle the cost of childcare, which was rising even before the cost of living crisis. The latest bright idea—to cut the number of adults looking after groups of children—will likely reduce the quality of provision, and it will likely have no impact on availability or affordability. That is why Labour's children's recovery plan includes investment in childcare places for young children on free school meals—and because we know that childcare pressure does not stop when children start school, we would invest in before-school and after-school clubs for children.

I will briefly mention the wider problem of persistent absence, which is urgent. The Children's Commissioner found that 22% of pupils were persistently absent in autumn 2021. Labour welcomes the long-overdue proposed register of children not in school and wants to see it implemented without further delay, but that treats the symptom and not the cause of the problem. Ministers should properly address post-pandemic learning and development, provide the mental health and wellbeing support that is needed, and show a bit more curiosity about why such a large proportion of those persistently absent are pupils with special educational needs or disabilities and those who are disadvantaged. Addressing the structural challenges that mean those children are not in school should be an important part of the Government's approach. Fining parents will work in some cases, but many others will see it as a punitive and regressive approach, which could mean that children are lost in the system for good.

Removing a day of school a week is not the solution to challenges that children and parents face. Instead, we must restore the support that children and parents need so that pupils thrive in school. That is Labour's plan—because, after two and a half school years of disruption, that is exactly what they deserve.

4.57 pm

**The Minister for School Standards (Mr Robin Walker):** It is a pleasure to serve under your chairmanship, Ms Rees. I thank the hon. Member for Newcastle upon Tyne North (Catherine McKinnell) for the way she opened the debate. It was fantastic to hear about the way she engaged with pupils and students in her constituency, listening to them but also deploying her powers of persuasive reasoning—we have heard them during the debate—to conduct that before-and-after exercise and show that people can be won round to understanding the importance of the school week.

I recognise that a large number of people have signed the petition, which raises a number of important issues. I completely understand how an extended weekend can

look, on the surface, very attractive to a lot of people, in particular children in school. However, it is important to recognise how shortening the school week would adversely impact children's learning, as well as reducing opportunities to socialise and participate in enrichment activities, which I will come to in more detail. This is more crucial than ever in the context of the covid-19 pandemic. Overall, reducing time in school reduces children's life chances, so the Government have no plans to require schools to close on Fridays.

I will begin by setting out the Government's long-term vision for pupils' academic achievements, and the importance of being in school to achieve that. I will then set out some of the work we are doing to maximise time in school and why that is more important than ever as a result of the pandemic, and the challenges that children and young people face when out of school. I will set out the work that my Department is doing to support our children and young people to recover from the pandemic. Finally, I will touch on how spending more time in school can improve children and young people's mental health and wellbeing, enabling support during more stressful times, such as exams, and providing opportunities for enrichment activities.

I am sure that Members present will agree that schooling is fundamental to a functioning society. School equips children with the knowledge and skills to thrive and flourish later in life. My Department recently set out our overarching vision for the school system in the schools White Paper, "Opportunity for all: strong schools with great teachers for your child". That included our levelling-up mission for schools. Our aim is for 90% of primary school children to achieve the expected standard in reading, writing and maths by 2030. For secondary schools, our aim is that the national GCSE average grade in both English language and maths will increase from 4.5 in 2019 to 5 by 2030.

School life is at the heart of that ambition. That is why, far from seeking to shorten the school week as the petition proposes, we are committed to delivering a richer, longer average school week that makes the most effective use of time in school and includes not just teaching time but enrichment activities, which will help to ensure that all children enjoy a rounded education. To that end, we recently conducted a review of time in school. That found that additional time in school, if used well, can have a positive impact on pupil outcomes. However, some pupils currently receive less time in school than others, because of differences in opening hours. That shortfall accumulates over time. It is simply unfair that a child who receives 20 minutes less teaching time a day loses out on about two weeks of schooling a year.

That is why, as set out in the White Paper, we have set an expectation that all mainstream state-funded schools should deliver at least a 32.5-hour week as soon as possible, and by September 2023 at the latest. We believe that 32.5 hours is the current average length of the school week. I accept the point made by the hon. Member for Portsmouth South (Stephen Morgan) that many schools are already achieving that. In many respects, that is a good thing; it shows that it can be achieved within what they have. However, by setting that minimum expectation for all schools, we will help to ensure that all children have fairer access to education, regardless of where they live, to help them to achieve their full potential. The new

minimum length of the school week also includes break times, thus allowing children more opportunity for socialisation and enrichment activities, which they missed out on too much during the pandemic.

We are encouraging schools to go beyond 32.5 hours where possible. Monega Primary School in east London, where we launched the White Paper, does that by having an earlier start time—8.30 am. That provides pupils with access to 20 minutes a day of intensive reading development. On a weekly basis, that equates to one hour and 40 minutes extra reading time for all the pupils.

By contrast, if schools were to close on Fridays, as the petition proposes, pupils would lose an average of 38 school days in each academic year. Given what I have said about the benefits of time in school, I cannot accept that that would be in the best interests of children, let alone the impact that it would have, as the hon. Member for Newcastle upon Tyne North rightly said, on parents.

The work that we are doing to maximise time in school is more important than ever in the context of the covid-19 pandemic. During lockdown, parents often struggled with home schooling. That brought a new appreciation of the fantastic work that teachers do and the difference that they make in children's lives. In the national survey by the Children's Commissioner for England, The Big Ask, we heard from more than half a million children on their impressions of online learning and the return to school. Children spoke out about how much they liked school, and about how much they missed it and their peers while the gates were closed. They described feelings of isolation during lockdown, as well as uncertainty around schooling.

Children also spoke about the importance of education for its own sake. One 11-year-old girl said:

"I really want to learn even if it's hard because education is important to me".

Education was seen as particularly important by children who face challenges at school, including children with special educational needs. Overall, 84% of children reported being happy or okay with school life. The report highlights how attendance in school is crucial for pupils' education, wellbeing and long-term development.

However, the Children's Commissioner has also expressed her concern that currently we cannot identify where each child is. We have already announced, as part of the Schools Bill, which is currently before Parliament, that local authorities will be required to keep registers of children not in school, so that no child can fall through the cracks in the system. I welcome the support from the hon. Member for Portsmouth South for that. However, I should be clear that we are not legislating on the length of the school week as part of the Bill. That remains a non-statutory expectation for all mainstream state-funded schools.

Continuing to help children to recover from the impact of the pandemic remains one of the Government's top priorities. Being in school is crucial to ensure that children and young people can receive the support on offer to them. Shortening the current school week would therefore risk jeopardising the strides that children and young people have already made. Our latest pupil progress data, published at the end of March this year, shows that we are seeing some good progress for many pupils. Evidence shows that by autumn 2021, primary pupils

[Mr Robin Walker]

had on average recovered about two thirds of the progress lost during the pandemic in reading and about half the progress lost in maths.

However, we know that there is more work to do. We believe that the best way for children and young people to recover from the impact of the pandemic is through investment in what works. That is why we have invested nearly £5 billion to fund a comprehensive recovery package, including targeted extra funding, teacher training, tutoring and extra educational opportunities. Maximising time in school is key to securing the benefits of our recovery package, which includes investing £800 million to increase hours in 16-to-19 education by 40 hours per student per year from September 2022.

The hon. Member for Newcastle upon Tyne North spoke rightly and passionately about mental health. One of the many valuable aspects of being in school is that it can be a crucial contributor to children and young people's positive mental health and wellbeing, equipping them to stay mentally and physically well into the future.

That is supported by the evidence. Our most recent annual "State of the nation" report collated a range of data to identify trends in children and young people's mental health and wellbeing recovery over the course of the 2020-21 academic year. The report found that reductions in wellbeing occurred most clearly for both primary and secondary pupils in February 2021, when varied pandemic restrictions were in place, including school closures. The report also found a link, across all groups of children and young people, between regular attendance at school and college and positive wellbeing, highlighting the critical benefits of being in school for wellbeing.

School is also a place where emerging problems can be identified and early support given. Although educational staff are not mental health professionals, they are well placed to observe children and young people day to day and identify those whose behaviour suggests that they may be experiencing a mental health issue. We have put in place a wide range of training and guidance to help educational staff to identify and understand mental health issues, and to know how to respond effectively. Our recent £15 million wellbeing for education recovery and return programmes provided free training, support and resources for staff dealing with children and young people experiencing the additional pressures of covid-19 and other events, including trauma, anxiety or grief. Around 14,000 schools and colleges across the country benefited from this support, which was delivered through local authorities.

We have also recently confirmed an additional £10 million in grants to extend senior mental health lead training to even more schools and colleges, which means the training will be offered to two thirds of all state schools and colleges by March 2023, and to all state schools and colleges by 2025. However, I hear the concerns that the hon. Member for Newcastle upon Tyne North raised about CAMHS, and I will continue to work with health colleagues to try to ensure that they are addressed.

**Catherine McKinnell:** I am grateful that the Minister acknowledges the concerns that I raised. The training he talks about is obviously welcome. Any teacher or education professional would be grateful for the opportunity

to identify challenges. What they need, though, is people—experts—they can refer children to, who can then work with them and support them. That must be a priority for the Government, given the explosion in necessary referrals post-pandemic.

**Mr Robin Walker:** I absolutely acknowledge that point. My health colleagues would say that it is a priority for the Government, but I accept that there is more work to do on that front.

The petition mentions exams and homework as particular sources of stress and anxiety for children and young people. This Government believe that exams and other assessments are an essential part of ensuring that young people have acquired the knowledge and skills they need to succeed in further study and in later life. Exams are the fairest way of judging pupils' performance, and we know that preparing for them can be motivating for pupils and can consolidate learning. However, we are keenly aware that exams have the potential to exacerbate feelings of anxiety and stress among some young people. That is why it is important that schools are clear that, although pupils should be encouraged to work hard and achieve well, that should not be at the expense of their wellbeing.

Schools and colleges should be able to identify signs of exam-related stress whenever it emerges and be in a position to respond appropriately. Teachers are best placed to work with pupils and their families to respond to signs of stress and access appropriate support.

Like exams, we believe that homework is an important part of a good education. Schools have the autonomy to decide whether to set homework and how much of it their pupils must do. Homework that is planned by teachers is an integral part of their curriculum and gives pupils the opportunity to practise and reinforce what they have been taught in class, helping them to consolidate and extend the knowledge and understanding they have acquired. Homework also enables teachers to check pupils' understanding systematically, to identify misconceptions accurately and to provide clear, direct feedback. I heard hon. Lady's concerns about children working late into the night and sacrificing parts of their weekend. Clearly, that would be an excessive approach. We want schools to carefully balance study with time to rest and recuperate.

The hon. Lady said, quite rightly, that schools should be fun places that allow children to do more of what they love. Another reason why children being in school is so important is the enrichment support on offer. We know that participation in enrichment activities, which can support wellbeing, fell during the pandemic. The longer, richer school week proposed in the schools White Paper will help to ensure that all pupils have the chance to enjoy a wide range of experiences. We are developing guidance to support schools to develop a varied and high-quality enrichment offer. Inspiration Trust in Norfolk and north Suffolk is an example of a trust that extends the school week beyond 32.5 hours for all of its secondary schools. The schools ensure that all additional enrichment sessions are timetabled and mandatory, which ensures equality of participation by pupils from all socioeconomic backgrounds.

Cultural education, which includes arts, music and heritage, is a vital part of school activity. We support this via the curriculum first and foremost, with arts and music being part of the national curriculum, but we also

want all schools to offer co-curricular and extracurricular activity in those areas. Cultural education is important for the enjoyment that these subjects bring in and of themselves, for academic progress, for wellbeing, and for increasing life chances and career opportunities in our outstanding cultural and creative sectors and in wider employment. Our newly published national plan for music education, and next year's cultural education plan, will help to identify opportunities for schools.

I was pleased to announce on Saturday the national plan for music education, which was co-published by the Department for Education and the Department for Digital, Culture, Media and Sport. The plan sets out our vision to enable all children and young people to learn to sing, play an instrument and create music together, and to have the opportunity to progress their musical interests and talents, including professionally. The plan confirms the Government's continued commitment to music education and includes £25 million of new capital to purchase hundreds of thousands of musical instruments and pieces of equipment, including adaptive instruments for pupils with special educational needs and disabilities. The plan sets out clear guidance to schools to provide timetabled curriculum music of at least one hour a week for children in key stages 1 to 3, as well as opportunities outside lesson plans to learn how to sing and play instruments, and to play and sing together in ensembles and choirs. We have also committed £79 million of funding over three years for music hubs to support schools and others to deliver high-quality music education.

Physical education, school sport and physical activity are also an extremely important part of school life. All children and young people should have the opportunity to live healthy, active lives, which begins with high-quality PE lessons, opportunities to experience a range of sports, and ensuring that children meet the chief medical officer's recommendation of 60 active minutes a day, of which 30 minutes should be within the school day.

The hon. Member for Newcastle upon Tyne North mentioned the inspirational figure of Alan Shearer and how football motivated him to go to school. That is one of the reasons why in October 2021 the Government announced nearly £30 million of funding a year towards improving and opening up school sport facilities in England, as well as improving the teaching of PE at primary schools. It is also why we confirmed on Saturday that the £320 million primary PE and sport premium will continue for the 2022-23 academic year, to support primary schools to improve the quality of their PE, sport and physical activity.

Finally, it is important to acknowledge the serious impact that the proposal to have a four-day school week would have on working parents, particularly those with younger children, for whom childcare arrangements would need to be put in place on Fridays. The hon. Member for Newcastle upon Tyne North spoke very well about this issue in her speech and has also raised it in other debates recently. It would be a significant additional cost for many parents, many of whom are already struggling with the cost of living.

I am grateful to hon. Member for providing an opportunity to debate this important issue. It is heartening to see that so many children are invested in talking about their education, but I think we are in agreement on the outcome of the petition. At the heart of the

Government's vision is ensuring that every child and young person can fulfil their potential. The steps we have taken to maximise time in school are key to achieving that mission, but we do not want to reduce opportunities for young people to be in school. Therefore, we have no plans to remove Friday from the school week.

5.13 pm

**Catherine McKinnell:** I thank the Minister for his thorough response. I think it is safe to say we all agree that it would not be in the best interests of every child to reduce the school week to four days, but I do not think that diminishes the cause of the petition, the voices that have been heard today, or what I interpreted as a cry for help from young people.

We are at quite a unique time in history—one that we should not ignore. We must not plough on as though nothing has changed, because young people are asking us to recognise that things have changed. The covid pandemic has changed many aspects of our lives. As adults, we have adapted many working practices and the way we do things. Many people have reassessed their lives, their priorities, how they want to spend their time, and what they want to live for. Young people have done the same. I do not think the petition is young people saying that they do not want to be educated. I think it is young people saying that they do not want to feel the enormous crushing pressure that many now feel at school.

I wanted to see how well our education system is performing in comparison with other systems around the world—I looked at this when I was a member of the Education Committee—and I saw an alarming statistic. We perform very highly on one metric: we are in the top five in the world for the number of girls who feel a crushing fear of failure and high levels of anxiety. It is right that the OECD measures those things—not just educational output, but how young people feel and their experience and wellbeing in school.

Everything the Minister has outlined in terms of ensuring that we enrich the school day is positive and encouraging, but it is important that we do not fall down the warren of quantity over quality. We have to ensure that children's wellbeing is catered for as well as their educational attainment during the time that they spend in school. That is the real challenge for Government.

We cannot ignore the glaring challenge of mental health. There is a general issue that many young people are grappling with: the social media world. Many of us did not grow up with social media; it did not exist when we were at school, but it is something every young person now grows up with. They now have to find a way through that world, managing their mental health and living an online and a real-world existence while juggling their education.

Fundamentally, we cannot ignore the pandemic and pretend it did not happen. It has had a significant impact on our children and young people. We need that additional investment now to meet some of the challenges that have emerged for this cohort of young people who were incredibly isolated. Of course other groups in society were isolated as well, but it was so unnatural for children to be put in that situation of being away from their friends, family and everything they love. The long-term implications are significant. We should put in place the

*[Catherine McKinnell]*

investment needed to support children through this period and to provide support generally with mental health and wellbeing. We should prioritise that support as much as educational outcomes in the way we assess schools and their performance. We have to prioritise happiness and wellbeing, because, ultimately, that is how we will get better educational outcomes. If we have happy, well-balanced and mentally well children, they will perform better at school. We just have to ensure we have the resources in place.

I commend the petitioners and everyone who signed the petition. I appreciate that children may be disappointed they are not getting a four-day week at the end of this

debate. Hopefully, what they will be getting is a richer, happier and more well-rounded five days at school that will help them to really fulfil their potential, wherever they might be in this country.

*Question put and agreed to.*

*Resolved,*

That this House has considered e-petition 597715, relating to the school week.

5.18 pm

*Sitting adjourned.*

# Written Statements

Monday 27 June 2022

## TREASURY

### AML/CFT Regulatory and Supervisory Regime: Review

**The Economic Secretary to the Treasury (John Glen):** On Friday 24 June, I published a review of the UK's anti-money laundering and countering the financing of terrorism (AML/CFT) regulatory and supervisory regime. This included statutory post-implementation reviews for the Money Laundering, Terrorist Financing, and Transfer of Funds (Information of the Payer) Regulations 2017 (SI 2017/692) and the Oversight of Professional Body Anti-Money Laundering and Counter Terrorist Financing Supervision Regulations 2017 (SI 2017/1301) and the review of the UK's AML/CFT regulatory and supervisory regime; a forward looking report which includes the Government's response to the call for evidence launched last year.

Taken together, these three documents make a thorough assessment of the UK's money laundering controls and outline areas of focus going forward, including commitment from the Government to consult on some key proposals for change.

Tackling economic crime and illicit finance remains a priority for this Government, to protect the UK economy and fight crime on a domestic and international level.

Alongside the review the Government have continued to deliver progress across their economic crime agenda, including the Economic Crime (Transparency and Enforcement) Act 2022, which introduces key reforms to beneficial ownership registers and enhances the unexplained wealth orders and sanctions regimes. On 15 June, HM Treasury also laid the Money Laundering and Terrorist Financing (Amendment) (No. 2) Regulations 2022 before Parliament under the draft affirmative procedure. This legislation makes some time-sensitive updates to the Money Laundering Regulations, which are required to ensure that the UK continues to meet international standards, while also strengthening and ensuring clarity on how the UK's anti-money laundering regime operates.

The review published on Friday proposes further areas of possible reform, most notably in how firms are supervised for anti-money laundering purposes where, despite progress since 2017, there is further to go to ensure that supervision is effective and consistent across all regulated firms. The review also commits to consult on some smaller changes to the regulations, where black-and-white inherited EU rules prevent the UK from taking a more risk-based approach to prevention. This includes looking at the enhanced due diligence required for domestic politically exposed persons. If the risks around domestic PEPs are found to be sufficiently low, the Government will consider changing the MLRs such that EDD and the additional requirements in Regulation 35 are not automatically required on domestic PEPs, but instead only triggered when there are other high-risk factors also present.

This review represents only part of the cross-cutting action that the Government are taking to progress the economic crime agenda, including the second public-private economic crime plan which is due to be published later this year and the upcoming Economic Crime and Corporate Transparency Bill, which will reform Companies House to further crack down on abuse of corporate structures.

The review is published on: <https://www.gov.uk/government/publications/review-of-the-uks-amlcft-regulatory-and-supervisory-regime>.

The post-implementation reviews will also be published alongside the regulations on [Legislation.gov.uk](https://www.gov.uk/legislation).

[HCWS139]

## HEALTH AND SOCIAL CARE

### Covid-19 Update

**The Secretary of State for Health and Social Care (Sajid Javid):** As part of our continued commitment to open up travel, on 23 June, the Government extended the International NHS covid pass letter service to allow children aged five to 11 years to get an International NHS covid pass following a positive NHS PCR test or equivalent within the past 180 days—recovery status. Prior to 23 June, children aged five to 11 could only access an international NHS covid pass if they had received a full primary course of covid-19 vaccination.

Extending access to the International NHS covid pass to children aged five to 11 with recovery status will save families the cost of testing in countries where this is required for foreign travel and ensures that young children are able to provide proof of their covid-19 status on a par with the rest of the population. The UK has no covid certification requirements and this is to support outbound travel to a variety of countries that still have requirements.

A person with parental responsibility for the child—such as the parent or guardian—will be able to request the letter online via the NHS website or by calling 119. The letter will only be sent to the address on the child's GP record.

This service is now available for children aged five to 11 resident in England and Wales. A letter based on recovery status is not available in the Isle of Man. In Northern Ireland, parents or guardians of children aged five to 11 have been able to request a digital or printed covid certificate on behalf of a dependant since January 2022. The COVIDCert NI app was updated in March 2022, to allow all those under 16 to upload the certificate—requested on their behalf—to display on the app. Anyone under 16 who tested positive for covid through an NHS PCR test prior to 1 May is able to request a recovery certificate in Scotland by phoning the covid status helpline on: 0808 196 8565.

[HCWS140]

### Medical Devices Regulation: Consultation Response

**The Secretary of State for Health and Social Care (Sajid Javid):** Leaving the European Union has provided a unique opportunity for the United Kingdom to improve

the medical device regulatory regime and exercise our new powers as a sovereign regulator, creating a world-leading regime that prioritises patient safety while supporting innovation within the UK MedTech sector. To deliver this ambition and gather views of patients, industry and the healthcare sector, the Government published a consultation on the future UK medical device regulations, “Consultation on the future regulation of medical devices in the United Kingdom”, which is available at: <https://www.gov.uk/government/consultations/consultation-on-the-future-regulation-of-medical-devices-in-the-united-kingdom>, on 16 September 2021. We received 900 responses and I am grateful to all those who have taken the time to respond to the consultation.

Officials at the Medicines and Healthcare products Regulatory Agency (MHRA) have analysed the consultation responses and have worked with officials within my Department and the Office of Life Sciences to develop the Government response. The response outlines changes that will support innovation within the UK’s life sciences sector and access to medical devices, for example through improving the regulation of novel and growing areas such as artificial intelligence and offering alternative routes to market. This will help to facilitate greater opportunities for small and medium enterprises to capture real world evidence to support the conformity assessment process with the proportionate regulatory oversight, an opportunity which has not existed previously.

The Government are committed to cementing our status as a science superpower by making the UK the leading global hub for life sciences, and the response to the public consultation outlines policies that will help to achieve this.

As part of this consultation, the MHRA received strong support for proposals that will improve patient safety and safeguard public health, for example, through modernising the scope and classification rules of medical devices to deliver improvements in the safety of all medical devices. It also raised points around identified inequities within clinical investigations. I appointed Dame Margaret Whitehead to conduct a review into the potential issues related to equity in the design and use of medical devices and I am pleased that the MHRA will look to address these points within the regulations and supplementary guidance to support this review.

The new transitional measures outlined in the response will be implemented to support continued access to safe medical devices to UK patients, whilst providing time for industry and the healthcare sector to prepare for the transition. In fact, the UK Government are committed to building the UK Conformity Assessed (UKCA) marking as a global exemplar, and it is vital that the necessary building blocks are in place to ensure that the UK market remains an attractive and favourable place to innovate and do business for the benefit of patients and carers. A phased transition into the new regime is critical to its success.

The Government’s response to the consultation will be published on gov.uk today and I will deposit a copy of the response in the Libraries of both Houses.

[HCWS142]

## Draft Mental Health Bill

**The Secretary of State for Health and Social Care (Sajid Javid):** I have published the draft Mental Health Bill today for pre-legislative scrutiny and delivered an oral statement to the house.

The draft Bill will enable the Government to deliver on two manifesto commitments:

- to ensure that patients suffering from mental health conditions have greater control over their treatment and receive the dignity and respect they deserve; and,
- to make it easier for people with learning disabilities and autism to be discharged from hospital

It contains provisions to increase the autonomy and dignity of people who need inpatient support for their mental health, including people subject to the criminal justice system. These reforms are intended to benefit everyone who may be subject to the Mental Health Act, and to address the racial disparities associated with its use.

The draft Bill is also intended to limit the extent to which people with learning disability and autistic people may be made subject to the Mental Health Act, while ensuring adequate community care and support is available for people with these conditions.

The draft Bill heralds a major step change in the rights available to people who may be made subject to the Act. Furthermore, they represent a significant step forward in the Government’s work to respond to the recommendations made by Sir Simon Wessely’s independent review of the Act.

The draft Bill will cover England and Wales.

We look forward to working openly with the committee to ensure that this important Bill is developed with input from stakeholders and all interested parties. This is a once in a generation chance to develop the Mental Health Act to ensure the autonomy and dignity of people who need inpatient support for their mental health.

[HCWS141]

## LEVELLING UP, HOUSING AND COMMUNITIES

### Contingent Liability: EWS1 Professional Indemnity Insurance Scheme

**The Minister for Housing (Stuart Andrew):** On 10 February 2021, the Department announced a Government-backed professional indemnity insurance (PII) scheme for competent fire safety professionals undertaking EWS1 assessments.

Today, I am very pleased to announce that under new arrangements, we will provide state-backing to a selected insurer who will be administering insurance policies to qualified professionals. The scheme will launch in September 2022, enabling competent professionals to access the indemnity cover they need to undertake external wall assessments.

To offer EWS1 professional indemnity insurance to competent assessors, my department must accept an unlimited contingent liability, with the Government Actuary’s Department (GAD) making a best estimate of expected losses as circa £100 million.

The contingent liability being claimed is unlimited because there is no theoretical cap on the size of claims that could be made. However, the risk is limited by the number of buildings, and number of EWS1 assessments. To further mitigate this risk, we will only be offering professional indemnity insurance cover for accredited professionals who have the requisite training, expertise and knowledge to undertake the EWS1 assessment. In addition, completed EWS1 assessments will be subject to an audit process to ensure they are being completed accurately with due process being followed.

The cost of the scheme, including the expected losses, will be offset in full through premiums: EWS1 assessors will be required to purchase PII policies for any EWS1 assessments they complete, with the funds gathered being accumulated and subsequently used to pay out any insurance claims successfully made against the assessors. In this way, the scheme will operate as fiscally neutral for Government.

The Treasury has approved the proposal. My department will keep Parliament informed of any expected changes to this contingent liability on a regular basis.

A departmental minute has been laid in the House of Commons providing more detail on this contingent liability.

[HCWS143]

## TRANSPORT

### Transport for London Funding Settlement: Extension

**The Secretary of State for Transport (Grant Shapps):** Following my statement to the House on 25 February, I am updating the House on a short extension of the current Transport for London (TfL) funding settlement that was due to expire on 24 June 2022, by 19 days, to 13 July. This has been agreed by the Mayor of London.

Since the start of the pandemic, we have supported the transport network in London with nearly £5 billion funding through extraordinary funding settlements for Transport for London. We have recognised the reliance of London's transport network on fare revenue, and Government continue our commitment to mitigating loss of fare revenue because of the pandemic.

This extension to the current funding settlement is necessary in part due to the unsatisfactory progress made by TfL on its conditions, including pensions. Resolving these issues is an integral part of setting TfL on the path to financial sustainability, and Government stand ready to engage constructively to reach a resolution. This extension ensures that they receive due attention, as well as allowing time for both sides to consider a longer-term capital settlement.

Government are committed to supporting London's transport network as we have since the start of the pandemic, and is in discussions with TfL on a longer-term settlement. By rolling over the provisions of the existing agreement, the extension provides continued support to Transport for London and certainty to Londoners while we work with Transport for London on their emergency funding needs.

Support to Transport for London has always been on the condition that Transport for London reaches financial sustainability as soon as possible and with a target date

of April 2023. Government continue to press the Mayor of London and Transport for London to take the decisions needed to put the organisation on a sustainable footing. I will update the House at my earliest opportunity on the details of any longer-term capital settlement.

[HCWS138]

## BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

### Industrial Action: Employment Agencies and Trade Union Liability

**The Secretary of State for Business, Energy and Industrial Strategy (Kwasi Kwarteng):** Government will shortly lay before Parliament two statutory instruments: the Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2022, and the Liability of Trade Unions in Proceedings in Tort (Increase of Limits on Damages) Order 2022.

*Removal of regulation 7 of the Conduct Regulations 2003*

The recruitment sector is regulated by the Employment Agencies Act 1973 and the Conduct of Employment Agencies and Employment Businesses Regulations 2003 ("the Conduct Regulations"). Regulation 7 of the Conduct Regulations makes it a criminal offence for an employment business to knowingly—or having reasonable grounds for knowing—provide temporary workers to an employer to perform the duties of workers taking part in an official strike or other industrial action.

Repealing these burdensome legal restrictions, will give businesses impacted by strike action the freedom to tap into the services of employment businesses who can provide skilled, temporary agency staff at short notice to temporarily cover essential roles for the duration of the strikes.

We believe the changes we are making will help mitigate the impact of future strikes, such as those seen on our railways last week, by allowing trained, temporary workers to carry out crucial roles to keep trains moving. The change in law, which will apply across all sectors, is designed to minimise the negative and unfair impact of strikes on the British public by ensuring that businesses and services can continue operating. For example, strikes in public services such as education can often mean parents have to stay at home with their children rather than go to work, or rail sector strikes stopping commuters getting to work or to other businesses.

It should be noted that removing this regulation does not put in place any new barriers on an individual's right to take part in lawful industrial action. Employment Businesses will not be required to supply agency workers to businesses, rather the change that we are making simply provides the freedom to do so should they wish to. Similarly, a key part of our protections for agency workers is that they cannot be compelled to take on assignments and removing this regulation does not alter existing health and safety requirements.

*Increase to the damages cap for unlawful strikes*

When they are considering legal claims against unions which organise or authorise unlawful strikes, employers may decide to bring a claim for damages against the union. The Trade Union and Labour Relations (Consolidation) Act 1992 sets the upper limits to the damages that can

be awarded based on the size of the union that organised the unlawful strike action. The levels of damages have not been reviewed since 1982 and are significantly out of date.

Increases the existing caps for damages awarded against trade unions for organising unlawful strike action in line with inflation, using the Retail Price Index (RPI) as the measure of inflation.

Unions who comply with the statutory balloting framework and wider trade union legislation will be unaffected by this change. This statutory instrument

does not affect the right to strike. So long as unions follow the law, they will continue to be protected from damages claims as they are now.

The Government are simply increasing the damages caps for unlawful strike action to broadly the levels they would have been at, had they been updated regularly since 1982.

[HCWS137]

# Ministerial Corrections

Monday 27 June 2022

## EDUCATION

### Children's Education Recovery and Childcare Costs

*The following are extracts from the Opposition day debate on Children's Education Recovery and Childcare Costs on 7 June 2022.*

**Catherine West:** Of the £5 billion, what proportion will be swallowed up by the inflation in costs of energy for schools, rather than being spent on teachers?

**Mr Robin Walker:** The answer is none, because the £5 billion for recovery is on top of the additional funding that we are putting into schools: the £4 billion coming in for this academic year and the £7 billion over the course of the spending review period. The £5 billion is a targeted intervention specifically for recovery. I will break it down in a little more detail. It includes £1.5 billion for tutoring in schools and colleges, with which we will provide 100 million hours of tuition for five to 19-year-olds by 2024.

*[Official Report, 7 June 2022, Vol. 715, c. 737.]*

*Letter of correction from the Minister for School Standards, the hon. Member for Worcester (Mr Walker):*

An error has been identified in my response to the hon. Member for Hornsey and Wood Green (Catherine West).

The correct information should have been:

**Mr Robin Walker:** The £5 billion is a targeted intervention specifically for recovery. I will break it down in a little more detail. It includes £1.5 billion for tutoring in schools and colleges, with which we will provide **up to** 100 million hours of tuition for five to 19-year-olds by 2024.

**Mr Robin Walker:** We have also introduced tax-free childcare, which provides working parents with up to £2,000 of support to help with childcare costs for children under the age of 12. With universal credit, parents can claim back 85% of eligible childcare costs, compared with 70% under the old system.

*[Official Report, 7 June 2022, Vol. 715, c. 745.]*

*Letter of correction from the Minister for School Standards:*  
An error has been identified in my speech.

The correct information should have been:

**Mr Robin Walker:** We have also introduced tax-free childcare, which provides working parents with up to £2,000 of support to help with childcare costs for children under the age of 12. With universal credit, parents can claim back **up to 85%** of eligible childcare costs, compared with 70% under the old system.



# ORAL ANSWERS

Monday 27 June 2022

	<i>Col. No.</i>		<i>Col. No.</i>
<b>LEVELLING UP, HOUSING AND COMMUNITIES</b> .....	2	<b>LEVELLING UP, HOUSING AND COMMUNITIES—</b>	
Brownfield Development .....	3	<i>continued</i>	
Development: Water Treatment Infrastructure.....	15	Levelling-up Funds: Criteria .....	14
Digital Connectivity: Hardest-to-reach Premises ...	14	Rough Sleepers: West Midlands .....	13
Housebuilding: Social Homes .....	12	Spatial Disparities: Annual Reporting .....	4
Housebuilding: Urban Densification .....	2	Topical Questions .....	16
Housing Regeneration: Former Industrial Areas ...	10	Tower Block Remediation Deadline.....	9
		UK Shared Prosperity Fund .....	5

# WRITTEN STATEMENTS

Monday 27 June 2022

	<i>Col. No.</i>		<i>Col. No.</i>
<b>BUSINESS, ENERGY AND INDUSTRIAL STRATEGY</b> .....	6WS	<b>LEVELLING UP, HOUSING AND COMMUNITIES</b> .....	4WS
Industrial Action: Employment Agencies and Trade Union Liability .....	6WS	Contingent Liability: EWS1 Professional Indemnity Insurance Scheme .....	4WS
<b>HEALTH AND SOCIAL CARE</b> .....	2WS	<b>TRANSPORT</b> .....	5WS
Covid-19 Update.....	2WS	Transport for London Funding Settlement: Extension .....	5WS
Draft Mental Health Bill.....	4WS	<b>TREASURY</b> .....	1WS
Medical Devices Regulation: Consultation Response.....	2WS	AML/CFT Regulatory and Supervisory Regime: Review .....	1WS

# MINISTERIAL CORRECTIONS

Monday 27 June 2022

	<i>Col. No.</i>
<b>EDUCATION</b> .....	1MC
Children's Education Recovery and Childcare Costs.....	1MC

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Monday 4 July 2022**

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**CONTENTS**

**Monday 27 June 2022**

**List of Government and Principal Officers of the House [Col. 1]**

**New Members [Col. 1]**

**Oral Answers to Questions [Col. 2] [see index inside back page]**  
*Secretary of State for Levelling Up, Housing and Communities*

**Draft Mental Health Bill [Col. 23]**  
*Statement—(Sajid Javid)*

**House of Lords (Elected Senate) [Col. 37]**  
*Bill presented, and read the First time*

**Northern Ireland Protocol Bill [Col. 38]**  
*Motion for Second Reading—(Lis Truss)—on a Division, agreed to*  
*Programme motion agreed to*

**Soft Plastic Recycling: South Gloucestershire [Col. 135]**  
*Debate on motion for Adjournment*

**Westminster Hall**  
**School Week [Col. 1WH]**  
*E-petition*

**Written Statements [Col. 1WS]**

**Ministerial Corrections [Col. 1MC]**

**Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]**

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