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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Wednesday 18 January 2023

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

WALES

The Secretary of State was asked—

Devolved Budget for Wales: Impact of Inflation

1. **Richard Thomson** (Gordon) (SNP): What assessment he has made of the potential impact of inflation on the devolved budget for Wales. [903082]

14. **Owen Thompson** (Midlothian) (SNP): What assessment he has made of the potential impact of inflation on the devolved budget for Wales. [903096]

The Secretary of State for Wales (David T. C. Davies): The Welsh Government are well-funded to deliver public services in Wales. As a result of the autumn statement, Welsh Government funding is increasing by around £1.2 billion over the next two years. That is on top of the additional £2.5 billion a year on average announced at spending review. The Prime Minister has also been clear that we will halve inflation to ease the cost of living.

Richard Thomson: The Secretary of State says that the budget is increasing by £1.2 billion over the next two years, but inflation has already eroded the purchasing power of the Welsh Government in the current year by £1 billion. Since the UK Government are responsible for approximately 80% of the resource base of the Welsh Government, what further representations does he plan to make to the Chancellor of the Exchequer to ensure that that purchasing power for essential public services in Wales is made good?

David T. C. Davies: The overall funding amounts for the devolved Administrations, including the Welsh Government, have still increased in real terms over the period despite the impact of inflation. If the hon. Gentleman is serious about dealing with inflation, I hope he will support this Government as they propose to halve inflation over the coming year. In doing so, we will need to carefully control public spending in areas such as pay.

Owen Thompson: The Institute of Welsh Affairs says that budgetary pressures highlight the impotence of Welsh devolution and that tax scheme changes by the Scottish Government are a model that would help Wales's financial situation. If the UK Government will not provide vital increases to devolved budgets, will the Secretary of State explore devolving similar tax-varying

powers to Wales, as in Scotland, to help the Welsh Government mitigate the Tory mismanagement from this place?

David T. C. Davies: I am not quite sure I follow what the hon. Gentleman is saying, because of course the Welsh Government do actually have tax-varying powers. They have chosen not to use them, because the Welsh Government recognise that taxes have already increased as far as is sensible, and that means that all of us have to deal with the constraints that have come about as a result of the very difficult economic situation we face due to covid and the impact of a land war in Ukraine.

Jonathan Gullis (Stoke-on-Trent North) (Con): Inflation, of course, causes pressure, but it is also true that Wales gets £1.20 per head for public services for every £1 in England. Yet the Welsh Labour-run Government spend less than that on their public services. Does my right hon. Friend agree with me that ruinous Welsh Labour Governments should stop wasting money on things like the Senedd expansion and instead spend money where it is needed: tackling backlogs in hospitals and stopping the decline of education in Wales?

David T. C. Davies: I agree absolutely with my hon. Friend; he is absolutely right. Money is being wasted in the Senedd, for example on spending up to £100 million on increasing the number of Senedd Members at a time of economic difficulty. *[Interruption.]* I hope Opposition Members who are chuntering are listening carefully to what my hon. Friend has to say.

Cost of Living Crisis

2. **Chris Stephens** (Glasgow South West) (SNP): What recent assessment he has made of the potential impact of the cost of living crisis on (a) households and (b) businesses in Wales. [903083]

6. **Anna McMorris** (Cardiff North) (Lab): What recent discussions he has had with Cabinet colleagues on the impact of the cost of living crisis on households in Wales. [903087]

13. **Ben Lake** (Ceredigion) (PC): What discussions he has had with Cabinet colleagues on the impact of rising costs on (a) businesses and (b) households in Wales. [903095]

The Secretary of State for Wales (David T. C. Davies): I understand that people across the UK are worried about the cost of living, which is why we have taken decisive action to support households and businesses across the UK, while remaining fiscally responsible. That support includes a £26 billion package for the next financial year, which will be targeted at protecting the most vulnerable.

Chris Stephens: Almost half of adults UK-wide say the cost of living crisis is harming their mental health, and that rises to 61% of Welsh adults. Devolved initiatives such as the fuel support scheme in Wales help, but inflation and UK Government cuts put such schemes in jeopardy. How does the Secretary of State justify his Government's repeated refusal to support devolved Governments in tackling the crisis his party has created?

David T. C. Davies: First, I fully acknowledge that there is a cost of living crisis at the moment. It has come about because the UK Government rightly had to spend hundreds of millions of pounds dealing with the covid pandemic. We then saw inflation increase through the roof as a result of a land war in Ukraine. I recognise that there is a cost of living crisis being faced by countries across the whole of the western world at the moment. The UK Government have certainly not cut funding. We have increased funding for the devolved Administrations. We have increased money for the national health service. It is a shame that in Wales that funding is not being fully passed on to the national health service. Frankly, on the NHS, the Welsh Labour Government are getting more money and delivering a lower service.

Anna McMorris: My constituent Sarah and her children could not celebrate Christmas this year: they were crippled by the fear of bailiffs and of being made homeless in the minus 2° weather. The toll this has taken on her mental health is unimaginable. She said to me, “My children and I will just break.”

A YouGov poll, out this week, shows that this Tory-made cost of living crisis has had a huge impact on people’s mental health in Wales—significantly more than elsewhere. Thirteen years of Tory Government have crippled this country. Cardiff Council is already £23 million worse off. Is the Welsh Secretary going to push my constituents to breaking point?

David T. C. Davies: There is a cost of living crisis going on all over the world at the moment. This Government have acknowledged that and faced up to it. That is why we have prioritised help for the least well-off. That is why this Government have made sure that the minimum wage has risen in line with inflation, that pensions have risen in line with inflation and that benefits have risen in line with inflation. People on benefits will receive a £900 payment, pensioners are getting a £300 payment and households with a disability are getting a £150 payment. At all times through these crises, which have not been caused by this UK Government, we have targeted our help at the most vulnerable in society.

Ben Lake: The Government have announced that support for homes and businesses connected to the mains gas grid will be extended for another year, but it seems that the single round of alternative funding announced for off-grid homes will be expected to last for the full 18 months. Notwithstanding the fact that the first payment to off-grid homes is still to be made, will the Secretary of State push colleagues in the Department for Business, Energy and Industrial Strategy and the Treasury for a second round of alternative funding to provide support for off-grid premises ahead of next winter?

David T. C. Davies: The hon. Gentleman is correct to say that the UK Government have recognised that those who are off grid are facing an increase in costs. It has not been as sharp as the increase for those who are on grid, and I think that the figures reflect that, but I note the hon. Gentleman’s comments about the fact that full details of the payment have not yet been made fully clear. I am sure that my colleagues in BEIS will have noted his question and will be coming forward shortly with more information about the payment.

Mr Speaker: I call the shadow Secretary of State.

Jo Stevens (Cardiff Central) (Lab): This month has seen dreadful news for steel businesses and steelworkers in Wales. Steel is an energy-intensive industry, and its operating costs during the cost of living crisis have rocketed. Thirteen years of Conservative Governments have seen decline, offshored jobs and damaged communities.

Steel is integral to a modern economy. Labour will put Welsh and UK steel at the heart of our wider industrial policy, building wind turbines, railways and investing in carbon capture and storage and in hydrogen infrastructure. Other than creating a cost of living crisis, what is the Government’s plan for our steel industry and for steelworkers’ jobs?

David T. C. Davies: First of all, the news from Liberty in Newport was very disappointing and is very concerning for many people. That has not come about as a result of actions by the UK Government, as I think the hon. Lady will recognise; there are other issues pertaining there.

The UK Government are completely committed to the steel industry. We demonstrated that with a £30 million loan to Celsa during the covid crisis, and we have demonstrated it with the various schemes that have been brought forward to support industries with high energy use. We are developing a scheme that will enable those in the industry, such as Tata, to decarbonise. We are also in discussions with Tata about how we can support it further over the coming years.

Jo Stevens: Steelworkers need a Government on their side. The industry needs a partner that can provide stability, not sticking plasters. Floating offshore wind in the Celtic sea is a real opportunity for our steel industry and the wider supply chain in Wales. It would also help to mitigate the impact of the cost of living crisis for many Welsh businesses in the supply chain. If the Government do not provide the necessary stability, we will see platforms being built in France and Spain and floated over to the Welsh coast, which would be absolutely unconscionable. What is the Secretary of State doing to ensure that the Crown Estate leases will use local supply chains in Wales?

David T. C. Davies: I have met the Crown Estate on a number of occasions to discuss the next bidding round for the sites out in the Celtic sea. Obviously we hope to develop the industry. I agree with the brunt of the hon. Lady’s question, which is about the importance of developing a floating offshore wind industry off the coast of Wales. I have been trying to ensure that the supply chain is as local as possible. That is why we have supported the conversations between developers and the Crown Estate; it is also why I have personally visited Pembrokeshire to ensure that the growth deal there supports the new infrastructure at the dock that can allow those projects to be floated out to sea. We are actually doing a great deal to support the floating offshore wind industry in Wales.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): For Harlech Foodservice, a key business in my constituency, last week’s news that the UK Government were slashing their energy support for businesses was devastating. The company is already struggling under soaring energy bills and interest rate hikes in coronavirus business

interruption loan scheme repayments. Can the Secretary of State clarify the position? Will any support be forthcoming on CBILS repayments, and will any savings made by the Treasury as a result of falling wholesale gas prices be ringfenced for targeted support for small and medium-sized enterprises and vulnerable households?

David T. C. Davies: I hope the right hon. Lady will recognise that over the last year the Government have done an enormous amount to support businesses through the energy price guarantee. They have made it clear that that support package cannot continue at the current level after April, when the next financial year begins, but they have said that they will also make clear, fairly shortly, what the new package will look like. Unfortunately, no Government anywhere in the western world will be in a position to completely underwrite and subsidise energy costs for all businesses for an indefinite period, so we have to confront some realities, but I hope the right hon. Lady will be supportive of the efforts that the Government have made to do more to develop energy security in the United Kingdom. Perhaps she should talk to some of her colleagues in the Scottish National party about their opposition to opening up further oil and gas projects in the North sea.

Liz Saville Roberts: I would have appreciated an answer about the coronavirus business interruption loan scheme as well.

We all know that extortionate energy costs are part of this Tory winter of discontent, which bookends 13 years of deliberate austerity. Key workers are striking and real incomes are in freefall. Following the last Budget, funding for Welsh public services will be worth £3 billion less over the next three years. Enough is enough, and cutting key workers' salaries is not the right answer. Will the Secretary of State urge the Treasury to reverse this decline by establishing a truly fair funding system for Wales that recognises our nation's needs, taking into account age, disability, and poverty levels?

David T. C. Davies: The right hon. Lady will surely be aware that the Welsh Government are receiving £1.20 per head for public services for every pound that is spent in England. That is why it is so difficult to understand why not only are the waiting lists longer in Wales but educational outcomes are lower, after more than 20 years of a Labour Government. Perhaps it is time that Plaid Cymru started to stand up for the people of Wales and hold the Welsh Labour Government to account, rather than propping them up in the Senedd.

Research Funding: Welsh Universities

3. **Hywel Williams** (Arfon) (PC): What discussions he has had with Cabinet colleagues on research funding for Welsh universities. [903084]

The Secretary of State for Wales (David T. C. Davies): I have regular discussions with Cabinet colleagues on research funding for universities in Wales. We are committed to making the UK a science superpower, backed by nearly £39.8 billion, the largest ever research and development budget. Last week I was pleased to visit Bangor University—at the suggestion of the hon. Member—and to observe the cutting-edge research being done there. I remain committed to Welsh universities capitalising on the funding opportunities that are available.

Hywel Williams: The Secretary of State has seen for himself that Welsh universities can and do deliver world-class research, but I think he will accept that their research funding is perhaps less than would be expected. I accept that this is not a simple matter—it is not a matter of counting heads—but what practical help can the Secretary of State give to increase research support in Wales, particularly for new and innovative projects such as those he saw in Bangor?

David T. C. Davies: In terms of practical support, I want to visit every single university in Wales over the next few months. I have already met representatives of UK Research and Innovation to make clear my concern about the relatively low percentage of grant funding that is going to Welsh universities for research projects. I want to bring UKRI and those Welsh universities together at an event at Tŷ Gwydr later in the year, and given the hon. Gentleman's own commitment to this particular issue, I will try to ensure that he is invited and is able to attend.

Sir Oliver Heald (North East Hertfordshire) (Con): Does my right hon. Friend agree that Britain, including Wales, has a proud history of international collaboration? Will he continue to keep up the pressure on the European Commission to allow us to associate ourselves with the Horizon programme, which would make such a difference to the future of British science?

David T. C. Davies: I absolutely agree with my right hon. and learned Friend. I would support the Horizon programme, but if that is not possible for any reason, such as intransigence in the European Union, I will be making the case to UKRI that Welsh universities can produce some of the best research in this country and should be receiving a higher percentage of the money that is currently available.

Investment Zones

4. **Sir Chris Bryant** (Rhondda) (Lab): What recent discussions he has had with the Welsh Government on the proposed refocusing of investment zone policy. [903085]

The Parliamentary Under-Secretary of State for Wales (Dr James Davies): Let me first congratulate the hon. Gentleman on his knighthood in the new year's honours list.

We remain committed to working with the Welsh Government on the delivery of investment zones for Wales. That is alongside the freeports programme, which will facilitate growth and innovation through benefits such as tax relief for businesses.

Sir Chris Bryant: That is all very well, but the Government have basically completely binned their investment zone policy. I have had a letter from a Government Minister saying that it is all being refocused and is not about housing and planning any more but about productivity, improving growth and job creation. But no details are available, and all the bids have been binned. Is that not further evidence that we do not have a Government in this country anymore, just a bunch of rascals squatting in ministerial offices?

Dr Davies: I cannot agree with the hon. Gentleman. As he will know, many elements of the policy are devolved in Wales. Therefore, discussions continue with the Welsh Government on those aspects. I would highlight that there are 5,400 similar zones in other parts of the world. We must deliver growth for Britain in a similar fashion.

Mr Speaker: I call the Chair of the Welsh Affairs Committee.

Stephen Crabb (Preseli Pembrokeshire) (Con): I echo the congratulations to the hon. Member for Rhondda (Sir Chris Bryant) on his knighthood. One of the lessons of industrial policy over the last 30 years in Wales, certainly given the number of failed food parks, science parks and technology parks, is that taxpayers' money alone does not create economic activity out of thin air. Does the Minister agree that whatever interventions we or the Welsh Government make must work with the grain of the private sector? To that end, does he recognise that the overriding strength of the Celtic freeport bid is that it works with real projects and real industry to deliver floating offshore wind in the Celtic sea?

Dr Davies: My right hon. Friend is a strong campaigner for the offshore wind possibilities in south-west Wales. He will know that decisions on awarding freeports are ongoing, with at least one due in Wales and an announcement to be made shortly.

UK Government Funding for Wales

5. **Dame Nia Griffith** (Llanelli) (Lab): What assessment he has made of the adequacy of UK Government funding for Wales. [903086]

The Parliamentary Under-Secretary of State for Wales (Dr James Davies): Over the spending review period the UK Government are providing the Welsh Government with 20% more funding per person than equivalent UK Government spending in other parts of the UK. As a result of the autumn statement, Welsh Government funding is increasing by around £1.2 billion over the next two years, on top of the additional £2.5 billion-a-year average over the three-year spending review.

Dame Nia Griffith: The UK Government shared prosperity fund short-changes Wales by £1 billion over three years, even though the Secretary of State and his predecessors repeatedly promised that Wales would receive not a penny less when replacing EU funds. Those funds were used by the Welsh Government to deliver 5,000 apprenticeship year. Why is the Minister letting down young people in Wales in this way?

Dr Davies: The hon. Lady will know that the shared prosperity fund is extremely generous to Wales and replaces all the money that came from the European Union. There have been fantastic announcements in recent weeks about how the fund will progress. She will also know about an array of other funding schemes through UK Government, including the growth deal. I hope to be in her constituency in early February for the groundbreaking, milestone event for Pentre Awel, I hope she will join me at that.

Sarah Atherton (Wrexham) (Con): Despite the Welsh Government receiving the largest devolution funding settlement, it has the worst performing Labour-run NHS. Instead of spending on what matters, they plan to spend £32 million on a 20 mile-an-hour blanket speed policy. Such a policy will cost the economy £4.5 billion. Does my hon. Friend agree with me and 94% of my surveyed constituents that that is another example of a Labour waste of money?

Dr Davies: My hon. Friend is quite right that the policy is not a good way to spend money, and is not deliverable either. As an NHS GP working in north-east Wales, I can tell her that the delivery of NHS services is shocking in many senses. We need the Welsh Government to improve their performance.

Mr Speaker: I call the shadow Minister.

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): As my hon. Friend the Member for Llanelli (Dame Nia Griffith) has just reminded the House, the Secretary of State, the Minister and their predecessors repeatedly promised that Wales would receive "not a penny less" to replace EU structural funds to Wales. Not only have they failed to deliver on that promise, but the record inflation that their Government have presided over has resulted in a double whammy to the Welsh Government's budget. Is the Minister aware that higher education has been shut out of his Government's flagship levelling-up process and that hundreds of jobs are now at risk, possibly as many as 600? Why are his Government continually letting down people, including young people, across Wales?

Dr Davies: I joined the Secretary of State on a visit to Bangor University last week and it is important that we ensure there are funding mechanisms for higher education. There is an array of schemes through the Department for Business, Energy and Industrial Strategy, and it is important that the hon. Gentleman and the Government work on ensuring that the university sector is supported in Wales.

Rail Infrastructure

7. **Wendy Chamberlain** (North East Fife) (LD): What recent discussions he has had with Cabinet colleagues on support for rail infrastructure in Wales. [903088]

The Secretary of State for Wales (David T. C. Davies): I have regular discussions with Cabinet members on a range of transport measures. More than £340 million has been provided for rail enhancements in Wales, including at Cardiff Central station and for the electrification of the Severn tunnel.

Wendy Chamberlain: The Government's failure to end rail strikes impacts all of us across the UK. Like in Scotland, transport is devolved in Wales, but we need people coming from England into our countries to get much-needed revenue for tourism and hospitality. In Wales, a pay agreement has been reached but its own railways cannot function on strike days because of UK-managed maintenance responsibilities. Can the Secretary of State outline what he is doing to resolve these damaging strikes and get railways up and running again?

David T. C. Davies: I must confess that I failed to hear much of that question, and I apologise for that. I heard the hon. Lady ask what I was going to do to get railways up and running again, but I am not certain which ones she was referring to. This puts me in a slightly difficult position as far as answering is concerned, but I can honestly say to her that we have spent £340 million on railways over this control period, including £125 million on the core valley lines, £4.7 million on St Clears station, £4 million on the Bow Street station and £2.7 million on the Cambrian line. In addition to that, we have spent money on projects such as the electrification of the south Wales line. The Cardiff capital region South Wales Metro is funded partly by the UK Government through a growth deal, and our commitment to the railways is—

Mr Speaker: Order. I call Kevin Foster.

Kevin Foster (Torbay) (Con): Direct train services between south Wales and Devon are a key part of our rail infrastructure, yet most are operated using older, less reliable rolling stock. What prospect does the Secretary of State see for getting new, more modern trains operating on these routes?

David T. C. Davies: I am pleased to be able to tell my hon. Friend that more modern stock is being rolled out on those particular routes, so he will be able to benefit from more comfortable carriages that will also emit less carbon and be better for the environment.

Menai Bridge Closure

8. **Jerome Mayhew** (Broadland) (Con): Whether he has had recent discussions with the Welsh Government on the closure of the Menai bridge. [903089]

The Parliamentary Under-Secretary of State for Wales (Dr James Davies): Roads are a devolved matter and the decision to close the Menai suspension bridge was therefore made by the Welsh Government. Work has commenced on the emergency replacement of brittle hangers dating back to 1938, and this will be followed by additional maintenance works. Welsh Government Ministers assure me that, subject to safety assessments, the bridge is due to reopen at the end of this month.

Jerome Mayhew: The Menai bridge supplies the lifeline of tourism to Anglesey and the wider region. Given Welsh Labour's negligent handling of the maintenance of the bridge, and now its closure for months, how does my hon. Friend think Welsh Labour is doing on its manifesto commitment to rebuild tourism in Wales?

Dr Davies: Quality road infrastructure is vital to unlocking the potential of the north Wales visitor economy. I believe that there are questions to be answered about the specification of the contracted private finance initiative maintenance schedule for the bridge, which was awarded by the last Labour UK Government in 1998, and about the stalled consideration of a third crossing on the Menai strait. I urge the Welsh Government to publish the findings of the roads review and resume the improvement of the north Wales road network.

Investment from England into Wales

9. **Michael Fabricant** (Lichfield) (Con): What discussions he has had with the Welsh Government on investment from England into Wales; and if he will make a statement. [903090]

The Secretary of State for Wales (David T. C. Davies): I have regular discussions with the Welsh Government on increasing investment in Wales and supporting the Welsh economy. Our plans for at least one Welsh freeport alongside our investment in infrastructure will act as a catalyst for further investment from the UK and beyond.

Michael Fabricant: A number of Welsh nationalists—not all but some—used the opportunity of covid and the closure of the Welsh border to incite anti-English feeling. Now we hear that Plaid Cymru, working with Labour, will introduce a hotel tax and other taxes. What does my right hon. Friend think that will do for English investment in Wales?

David T. C. Davies: I want to see people from England, and from all over the world, visiting Wales, and I am sure that all who do will appreciate the natural beauty and all that Wales has to offer to the tourism industry. I was disappointed that some people appeared to be indulging in anti-English rhetoric during the covid crisis. I hope all Members of this House would condemn such behaviour. I want to do more to encourage tourism, which is why I regret the fact that the Welsh Labour Government are bringing in a tourism tax. A tax on tourism is an attack on the tourist industry.

Alison McGovern (Wirral South) (Lab): On the subject of investment between England and Wales, progress on speeding up the Wrexham to Bidston line is about as slow as the trains on the Wrexham to Bidston line. What has the Secretary of State personally done to improve rail connections between north Wales and Liverpool?

David T. C. Davies: I am sure I speak for the whole Government in saying that we are completely committed to better rail connections across the United Kingdom. I am well aware of the line between Wrexham and Bidston. I am also aware that it went through a business case procedure that was not completely positive. I can assure the hon. Lady that a number of projects in the rail network enhancements pipeline will be discussed shortly by the Department for Transport.

Mr Speaker: Order. Before we come to Prime Minister's questions, I point out that a British Sign Language interpretation of proceedings is available to watch on parliamentlive.tv.

PRIME MINISTER

The Prime Minister was asked—
Engagements

Q1. [903167] **Kate Kniveton** (Burton) (Con): If he will list his official engagements for Wednesday 18 January.

The Prime Minister (Rishi Sunak): I know Members across the House will be as shocked and appalled as I am about the case of David Carrick. The abuse of power is truly sickening, and our thoughts are with his

victims. The police must address the failings in this case, restore public confidence and ensure the safety of women and girls. There will be no place to hide for those who use their position to intimidate women and girls, or for those who fail to act to reprimand and remove people who are unfit for office.

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

Kate Kniveton: As the project champion for the north midlands manufacturing corridor, next week I am bringing together businesses, leaders and local councillors from across the region in Parliament to set out to Department for Transport officials the importance of the A50/A500 corridor. The Prime Minister understands the importance of investing in our infrastructure and unlocking the potential of our towns and cities, so will he urge Government colleagues in the Department for Business, Energy and Industrial Strategy and the Department for Levelling Up, Housing and Communities to attend the meeting to hear more about the benefits this investment would bring to our region?

The Prime Minister: The Government recognise the strategic importance to the midlands of the A50/A500 corridor. Final decisions on the scheme will be made in the third road investment strategy, which will be fully published next year, but I know my hon. Friend will be contacting Ministers in the relevant Departments to invite them to hear her case.

Mr Speaker: We now come to the Leader of the Opposition.

Keir Starmer (Holborn and St Pancras) (Lab): I join the Prime Minister in his comments about the dreadful case of David Carrick.

It is three minutes past 12. If somebody phones 999 now because they have chest pains and fear it might be a heart attack, when would the Prime Minister expect an ambulance to arrive?

The Prime Minister: It is absolutely right that people can rely on the emergency services when they need them, and that is why we are rapidly implementing measures to improve the delivery of ambulance times and, indeed, urgent and emergency care. If the right hon. and learned Gentleman cares about ensuring patients get access to life-saving emergency care when they need it, why will he not support our minimum safety legislation?

Keir Starmer: The Prime Minister can deflect all he likes but, for a person suffering chest pains, the clock starts ticking straightaway—every minute counts. That is why the Government say an ambulance should be there in 18 minutes. In this case, that would be about 20 minutes past 12. I know he does not want to answer the question I asked him, so I will ask him again. When will that ambulance arrive?

The Prime Minister: Because of the extra funding we are putting in to relieve pressure in urgent and emergency care departments, and the investment we are putting into ambulance call handling, we will improve ambulance times as we are recovering from the pandemic and indeed the pressures of this winter. But I say this to the right hon. and learned Gentleman again, because he

makes my case for me: he describes the life-saving care that people desperately need, so why, when they have this in other countries—France, Spain, Italy and others—is he depriving people here of that care?

Keir Starmer: The Prime Minister obviously does not know or does not care. I will tell him: if our heart attack victim had called for an ambulance in Peterborough at 12.03 pm, it would not arrive until 2.10 pm. These are our constituents waiting for ambulances I am talking about. If this had happened in Northampton, the ambulance would not arrive until—[*Interruption.*]

Mr Speaker: Order. Mr Bristow, I hope you want to see the rest of the questions out. I want you to be here, but you are going to have to behave better.

Keir Starmer: I am talking about our constituents. If they were in Northampton, the ambulance would not arrive until 2.20 pm. If they were in Plymouth, it would not arrive until 2.40 pm. That is why someone who fears a heart attack is waiting more than two and half hours for an ambulance. That is not the worst-case scenario; it is just the average wait. So for one week, will the Prime Minister stop blaming others, take some responsibility and just admit that under his watch the NHS is in crisis, isn't it?

The Prime Minister: I notice that the one place the right hon. and learned Gentleman did not mention was Wales, where we know that ambulance times are even worse than they are in England. Let me set out the reason that is the case, because this is not about politics; this is about the fact that the NHS in Scotland, in Wales, in England is dealing with unprecedented challenges, recovering from covid and dealing with a very virulent and early flu season, and everyone is doing their best to bring those wait times down. But again, I ask him: if he believes so much in improving ambulance wait times, why will he not support our minimum safety legislation?

Keir Starmer: The Prime Minister will not answer any questions and he will not take any responsibility. By 1 pm, our heart attack victim is in a bad way, sweaty, dizzy and with their chest tightening. [*Interruption.*] I am talking about a heart attack and Conservative Members are shouting—this is your constituent. By that time, they should be getting treatment. But an hour after they have called 999 they are still lying there, waiting, listening to the clock tick. How does he think they feel, knowing that an ambulance could be still hours away?

The Prime Minister: The specific and practical things we are doing to improve ambulance times are clear: we are investing more in urgent and emergency care to create more bed capacity; we are ensuring that the flow of patients through emergency care is faster than it ever has been; we are discharging people at a record rate out of hospitals, to ease the constraints that they are facing; and we are reducing the call-out rates by moving people out of ambulance stacks, with them being dealt with in the community. Those are all very practical steps that will make a difference in the short term. But I ask the right hon. and learned Gentleman this again and again, although we know why; the reason he is not putting patients first when it comes to ambulance waiting times is because he is simply in the pockets of his union paymasters.

Keir Starmer: This is not hypothetical; this is real life. Stephanie from Plymouth was battling cancer when she collapsed at home. Her mum rang 999, desperate for help. Stephanie only lived a couple of miles from the hospital, but they could not prioritise her. She was 26 when she died, waiting for that ambulance—a young woman whose life was ended far too soon. As a dad, I cannot even fathom that pain. So on behalf of Stephanie and her family, will the Prime Minister stop the excuses, stop shifting the blame, stop the political games and simply tell us: when will he sort out these delays and get back to the 18-minute wait?

The Prime Minister: Of course Stephanie's case is a tragedy. Of course, people are working as hard as they can to ensure that people get the care that they need. The right hon. and learned Gentleman talks about political games. He is a living example of someone playing political games when it comes to people's healthcare. I have already mentioned what has been going on in Wales. Is he confident that, in the Labour-run Welsh NHS, nobody is suffering right now? Of course they are, because the NHS everywhere is under pressure. What we should be doing is supporting those doctors and nurses to make the changes that we are doing to bring care to those people. I will ask him this: if he is so concerned about making sure that the Stephanies of the future get the care that they need, why is he denying those families the guarantee of emergency life-saving care?

Keir Starmer: So, that is the Prime Minister's answer to Stephanie's family—deflect, blame others, never take responsibility. Just like last week, he will not say when he will deliver the basic minimum service levels that people need.

Over the 40 minutes or so that these sessions tend to last, 700 people will call an ambulance; two will be reporting a heart attack, four a stroke. Instead of the rapid help they need, many will wait and wait and wait. If the Prime Minister will not answer any questions, will he at least apologise for the lethal chaos under his watch?

The Prime Minister: The right hon. and learned Gentleman asks about the minimum safety levels. We will deliver them as soon as we can pass them. Why will he not vote for them? We are delivering on the people's priorities. As we have seen this week, the right hon. and learned Gentleman will just say anything if the politics suits him; it is as simple as that. He will break promises left, right and centre. He promised to nationalise public services. He promised to have a second referendum. He promised to defend the mass migration of the EU, and now we are apparently led to believe—[*Interruption.*]

Mr Speaker: Order. I expect those on the Front Bench to keep a little quiet. If they do not, there is somewhere else where they can shout and make their noise.

The Prime Minister: If we are to deliver for the British people, people need to have strong convictions. When it comes to the right hon. and learned Gentleman, he is not just for the free movement of people; he also has the free movement of principles.

Q3. [903170] Philip Dunne (Ludlow) (Con): On Monday, the independent net zero review was published by my right hon. Friend the Member for Kingswood (Chris Skidmore). Does my right hon. Friend the Prime Minister join me in welcoming many of its recommendations, particularly to provide clarity and continuity to all those working to decarbonise our economy, especially those supporting the South Shropshire Climate Action group in my constituency?

The Prime Minister: I thank my right hon. Friend the Member for Kingswood (Chris Skidmore) for his review, and also pay tribute to my right hon. Friend the Member for Ludlow (Philip Dunne) for his work in this area. I am pleased that the report recognised the UK's leadership in tackling climate change and catalysing a global transformation in how other countries are dealing with it. We have, as the report acknowledged, exceeded expectations to decarbonise, and we will respond to the full range of the review's requests and recommendations in the coming year.

Mr Speaker: I call the leader of the Scottish National party.

Stephen Flynn (Aberdeen South) (SNP): To promise is ae thing, to keep it is another. Well, the Scottish Government kept their manifesto promise to the people and, thanks to support from Members of all political parties in Holyrood, the Gender Recognition Reform (Scotland) Bill was passed. Surely in that context, the Prime Minister must recognise that it is a dangerous moment for devolution when both he and, indeed, the Leader of the Opposition seek to overturn a promise made between Scotland's politicians and Scotland's people.

The Prime Minister: Let me be crystal clear: the decision in this case is centred on the legislation's consequences for reserved matters. This is laid out in the Scotland Act 1998, which established the Scottish Parliament—the hon. Gentleman talks about that and, at the time, it was supported by the SNP. This Bill would have a significant adverse effect on UK-wide equalities matters, so the Scottish Secretary, with regret, has rightly acted.

Stephen Flynn: Let me be crystal clear—[HON. MEMBERS: "Ooh!"] This is the Conservative party seeking to stoke a culture war against some of the most marginalised people in society, and Scotland's democracy is simply collateral damage. On that issue of democracy, let us reflect, because on Monday the UK Government introduced legislation to ban the right to strike, against the express wishes of the Scottish Government; on Tuesday, they introduced legislation to overturn the GRR Bill, against the express wishes of the Scottish Government; and this evening they will seek to put in place legislation that rips up thousands of EU protections, against the express wishes of the Scottish Government. Are we not now on a slippery slope from devolution to direct rule?

The Prime Minister: No, of course we are not. This is simply about protecting UK-wide legislation and ensuring the safety of women and children; it is not about the devolution settlement. I urge the hon. Gentleman and his party to consider engaging with the UK Government

on the Bill, as we did before the legislation passed, so that we can find a constructive way forward in the interests of the people of Scotland and the United Kingdom.

Q10. [903177] **Edward Timpson** (Eddisbury) (Con): The care, education and support that children receive in their earliest years has the biggest impact on their future life outcomes; that is why the affordability, accessibility and quality of childcare is so important for families in Eddisbury and right across the country. Yet, despite significant investment by the UK Government since 2010, for too many families the childcare system remains inflexible, complex and expensive. Will my right hon. Friend restate to this House his commitment to addressing this essential and pressing issue so that every child can have the best start in life?

The Prime Minister: I know that this is a topic my hon. Friend knows very well from his background. He is right that it is essential to access quality childcare, which is why we provide every eligible three and four-year-old with at least 15 hours a week of free childcare and are considering new plans to improve the cost, choice and affordability of childcare, whether through consulting on ratios or supporting more people to become childminders.

Neale Hanvey (Kirkcaldy and Cowdenbeath) (Alba): A Transport Secretary implying NHS workers are deliberately putting people in danger, a Health Secretary pitting dedicated nurses against vulnerable patients—does the Prime Minister really expect the public to believe that the very people who have dedicated their lives to saving life and limb are so reckless? Is it not the case that this Government have pushed them to their absolute limit and they have no other option but to strike?

The Prime Minister: We have enormous respect and gratitude for all our public sector workers, especially those in the NHS. That is why we have backed them with not just record funding, but record investment in more doctors and nurses, with 15,000 more doctors, 30,000 more nurses and more lifesaving equipment that will help them to do their jobs. We continue to want to engage constructively in dialogue with them.

Q11. [903178] **David Simmonds** (Ruislip, Northwood and Pinner) (Con): Ruislip, Northwood and Pinner has a great many car-dependent older and disabled constituents, many of whom are horrified to read that the Mayor of London may have manipulated the outcome of his own consultation in order to impose a unwanted £12.50 daily charge every time they go to a medical appointment or attend hospital. Does my right hon. Friend agree that any further roll-out of the ultra low emission zone should be paused until those matters have been fully investigated?

The Prime Minister: My hon. Friend rightly points out that transport in London is devolved to the Labour Mayor of London. It is disappointing that the Mayor, backed by the Leader of the Opposition, is choosing not to listen to the public and expanding the zone against the overwhelming views of residents and businesses. I urge the Mayor to reconsider properly and to respond to those serious concerns.

Q2. [903169] **Navendu Mishra** (Stockport) (Lab): The Prime Minister showed his cards this week by ramming through the sacking nurses Bill—he has literally gone from clapping nurses to sacking them. His Transport Secretary has said that the Bill is unworkable, and the Education Secretary has said that it is not needed. Why does the Prime Minister still want the Bill?

The Prime Minister: It was the Labour party that showed its cards this week when it came to backing working people. *[Interruption.]* What I would say—*[Interruption.]* What I would say to the hon. Gentleman is that if he really cares about supporting patients, if he really cares about children getting the education they receive, if he really cares about working people being able to go about their lives free from disruption, he should join in supporting legislation which is prevalent in many other countries to ensure minimum safety levels in critical public services, and get off the picket lines himself.

Q13. [903180] **Craig Mackinlay** (South Thanet) (Con): To continue a theme, evidence is now very clear that the London Mayor's sham consultation has suppressed 5,000 negative responses from members and supporters of FairFuelUK, for which I chair the all-party parliamentary group. What angers me is that this proposal is a tax against my South Thanet residents, it is a tax against Kent residents and it is a tax against all of the home counties. It is true taxation without representation. Will my right hon. Friend assure me that he will do all he can to stop it? This tax is a fill-up for a failed Mayor's budget and a failed Mayor.

The Prime Minister: My hon. Friend makes an excellent and powerful point, and he is right to highlight that the Labour Mayor is imposing that tax on a public who do not want it. Expanding that zone is not something that communities want. I look forward to working with my hon. Friend to urge the Mayor to consider and respond properly to all views and stop that unfair tax.

Q4. [903171] **Wayne David** (Caerphilly) (Lab): During a period of 12 months, two of my constituents—a 10-year-old boy and a senior citizen—lost their lives after being attacked by dangerous dogs. Fatalities have also occurred in other parts of the country. It is clear that the Dangerous Dogs Act 1991 is woefully inadequate. The Government have commissioned studies and debated the subject at length, but they have done nothing. My question is: when will the Government take action on the issue of dangerous dogs?

The Prime Minister: The hon. Gentleman raises a very important case, and I am very sorry to hear about the specific families he mentions. We recognise that dog attacks can have horrific consequences, and I want to assure him that we take the issue incredibly seriously. That is why we have established a working group between police, local authorities and other key stakeholders to consider all aspects of tackling irresponsible dog ownership. That working group will make its recommendations later this year, and of course, the Government will respond promptly.

Karen Bradley (Staffordshire Moorlands) (Con): Conservative-run Staffordshire Moorlands District Council has an excellent track record of delivering for my constituents while keeping council tax low. We have put in a bid to the levelling-up fund, and I know that that money would make such an incredible difference to my constituents. Will my right hon. Friend use his good offices to encourage the Department for Levelling Up to look on us favourably this week?

The Prime Minister: My right hon. Friend has been a stalwart champion for her community and, in particular, for their levelling-up fund bid, which I know will make a massive difference to them. I wish her and her constituents every success when we announce the next round of successful bidders for that fund.

Q5. [903172] **Sarah Green** (Chesham and Amersham) (LD): Many of my constituents are struggling to keep up with their energy bills this winter. When families fall behind, they are too often punished by being switched over to prepayment meters, which are more expensive do nothing to help their financial situation. Will the Prime Minister back our call to ban energy companies from forcibly installing prepayment meters and stop them switching smart meters over to prepayment meters remotely?

The Prime Minister: I want to assure the hon. Lady that Ofgem has specific regulations in place regarding the use of prepayment meters and how energy companies should treat those who are struggling with their bills. I am pleased to say that her constituents will receive, at a minimum, around £900 of support with their energy bills this winter as a result of this Government's actions.

Jack Lopresti (Filton and Bradley Stoke) (Con): Will my right hon. Friend join me in paying tribute and giving thanks to the several thousand people at Ministry of Defence Equipment & Support at Abbey Wood in my constituency, who work tirelessly to ensure that the military equipment and supplies that we have pledged to the people of Ukraine are dispatched quickly and efficiently? Does he agree that events in Ukraine are a reminder, yet again, of the need to invest more in our own sovereign defence manufacturing capability?

The Prime Minister: My hon. Friend makes an excellent point, and I am happy to join him in paying tribute to his constituents at the MOD facility. The work they are doing is making a critical difference in the fight to combat Russian aggression in Ukraine. I know it is extremely appreciated, both by the President of Ukraine and his people. My hon. Friend is also right that it highlights the need for more investment, which is why we are putting £24 billion of investment into our armed forces and increasing the amount of kit that we manufacture here at home.

Q6. [903173] **Ian Lavery** (Wansbeck) (Lab): It is almost a year to the day since the then Business Secretary, the right hon. Member for Spelthorne (Kwasi Kwarteng), in a visit to the Britishvolt site in my constituency, promised the company £100 million and proudly boasted to the national media that he could not think of a project that better demonstrated levelling up. Yesterday, the company entered administration having

received not a penny in financial support from the Government. Does the Prime Minister agree with me that there is not a single project in the country that better demonstrates the Government's lack of industrial strategy, failure with levelling up and abandonment of the north-east?

The Prime Minister: First of all, let me say that my thoughts are with the company's employees and families at this time, and we stand ready to support those impacted. Let me just outline to the hon. Gentleman what exactly has happened. We did offer significant support to Britishvolt through the automotive transformation fund—a considerable amount of funding—but entirely reasonably, and this is not something I expect the Labour party to understand, that support was conditional on the company receiving private investment as well, which is a sensible protection for taxpayers. Unfortunately, that did not materialise. It is completely wrong to take from that what else is happening in the north-east. Across the north-east, there is new investment in the new N-Vision and Nissan plant in electric vehicle manufacturing. That is a £1 billion investment in the north-east. Look at what is happening in Teesside on clean energy. This Government are committed to the north-east, and we will deliver more jobs and opportunity under this Conservative Administration.

Jo Gideon (Stoke-on-Trent Central) (Con): The Prime Minister has long been a friend to business. As Chancellor, he listened to businesses in Stoke-on-Trent Central about their issues. Stoke-on-Trent has a wide range of manufacturing fabrication and engineering excellence. Does he agree with me that growing these activities is a vital strand of our levelling-up ambitions? May I invite him to re-visit my constituency to meet these businesses?

The Prime Minister: My hon. Friend is an excellent champion for her constituents, particularly her advanced manufacturing businesses, which I have had the pleasure of visiting with her in the past. It is important that we support those businesses on energy prices, which we are doing through the announcement that the Chancellor recently made, particularly in regard to generous support for energy-intensive industries. Indeed, they can also apply for up to £315 million-worth of capital grant funding to help them make the transition to net zero.

Q7. [903174] **Dawn Butler** (Brent Central) (Lab): When I had breast cancer, I had phenomenal nurses. When I had to be rushed to A&E, the ambulance crew looked after me. Unison and GMB are on strike because nobody is negotiating with them. For the first time in the history of the Royal College of Nursing, its members are on strike today after being balloted. I have spoken to the general secretary of the RCN, and she is adamant that she wants to end the disputes; she just needs a meeting with the Prime Minister. Will the Prime Minister show leadership and meet the RCN? It is a simple yes or no.

The Prime Minister: At the turn of the year, the Government wrote to all unions, including the RCN, to invite them for frank, open, honest, two-way dialogue with the relevant Secretaries of State. I am pleased that those meetings are happening in a range of sectors, and I hope we can find a constructive way through this.

Bob Blackman (Harrow East) (Con): As we approach Holocaust Memorial Day, colleagues can sign the early-day motion and the book of commitment, and they can attend the various commemorative services. I have to report some very sad news to the House. The well-known holocaust survivor Zigi Shipper died at the age of 93 in the early hours of this morning. *[Interruption.]* He was a survivor of Auschwitz-Birkenau and Stutthof concentration camps. He spent his life in this country spreading his message of hope to young people. Will my right hon. Friend join me in thanking Zigi for his life and for his message? It is vitally important as we sit here today: do not hate.

The Prime Minister: I am very sorry to learn that Zigi has passed away, and my thoughts are of course with his family. I know he was a man with wonderful energy and humanity. I pay tribute to him for his work, and indeed to all holocaust survivors who have so bravely shared their testimonies. We must never forget the holocaust. As my hon. Friend rightly said, I know the whole House will join us in echoing Zigi's poignant and accurate message: do not hate.

Q8. [903175] **Graham Stringer** (Blackley and Broughton) (Lab): Will the Prime Minister join his Conservative predecessors in guaranteeing that HS2 reaches Manchester, or does he still believe that investment should be taken from poorer areas in the north and given to the more affluent parts of Kent?

The Prime Minister: This Government are investing record sums in transport infrastructure across the country but especially in the north and midlands, with a £96 billion integrated rail plan that will improve journey times east-west across the north and connectivity across the east midlands. It is a record we are proud of, and now we will get on with delivering it.

Richard Fuller (North East Bedfordshire) (Con): There has been a 40% increase in patients on roll with GPs in Biggleswade in the past 15 years, but last week, proposals for a Biggleswade health hub were not progressed, despite financial support from the Conservative-controlled Central Bedfordshire Council. Can my right hon. Friend advise me of the status of our manifesto commitment to "infrastructure first", and will he and his Ministers work with me to bring together the various parts of the NHS to bring the Biggleswade health hub back on track?

The Prime Minister: I would be happy to organise a meeting for my hon. Friend to discuss how to progress his project. He is right about the importance of primary care. There is more investment going in, but we want to ensure it works for his constituency, so I look forward to arranging a meeting with him and the relevant Minister.

Q9. [903176] **Kenny MacAskill** (East Lothian) (Alba): The Prime Minister is well aware of the injustice of prepayment meters, not least because he commented on it in response to an earlier question. It is long-standing, with higher tariffs and higher social charges. Why, then, has he allowed a situation where hundreds of thousands have been forced into that penury when winter is upon us, prices are rocketing and 8.4 million people are facing fuel poverty in April? All he requires to do is instruct

Ofgem, himself or through a Minister, to ensure that there is an equalisation of tariffs between debit and credit, and ensure that his Government take steps to provide a fund for those who have seen debt arise because of his Government's failures. Will the Prime Minister end the manifest injustice of the poor paying most?

The Prime Minister: I think the hon. Gentleman's proposal would also increase Bills for many millions of families, so I am not sure it is the right approach. What we are doing is providing around £900 of specific support for all families' energy bills this winter, and there is further targeted support for those who are most vulnerable, which is absolutely the right thing to do. As the Chancellor has already announced, we are also consulting on the best thing to do going forward, including options, as the hon. Gentleman has mentioned, such as a social tariff, as part of our wider reforms of the retail energy market.

Laura Farris (Newbury) (Con): Every single country in the G7 requires some level of minimum service to be provided when strikes take place in essential public services, often with laws that go much further than that. Does my right hon. Friend agree that the British people should be entitled to the same basic level of protection when strikes take place in these services, and does he think the former Labour Prime Minister Tony Blair had a point when he said last year that the "big defect" at the birth of the Labour party was its ties to organised labour?

The Prime Minister: My hon. Friend put that very well. She is right to make the point that what we are proposing is in line with the vast majority of other countries around the world. Indeed, many countries ban strikes in blue-light services altogether, which we are not doing. We are joining countries across continental Europe in having minimum safety laws, as I think the public would reasonably expect a level of emergency life-saving care in the event of strikes. That is a common-sense, reasonable position to take, and we all know why the party opposite cannot bring itself to support it.

Q12. [903179] **Alex Sobel** (Leeds North West) (Lab/Co-op): This month, the right hon. Member for Stratford-on-Avon (Nadhim Zahawi) was forced to pay millions to His Majesty's Revenue and Customs to settle a tax dispute. Was the Prime Minister aware of the investigation when he appointed the right hon. Gentleman to his Cabinet and as chairman of the Conservative party? Will the Prime Minister demand accountability from his Cabinet members over their tax affairs?

The Prime Minister: My right hon. Friend has already addressed the matter in full and there is nothing more that I can add.

Alicia Kearns (Rutland and Melton) (Con): I begin by putting on record the House's heartbreak at the tragic death this morning of our friend Denys, the Interior Minister of Ukraine, and his deputy, and all those who were killed in that tragic accident. I am sure the House is united in its feeling on that.

On more local affairs, as many hon. Members have pointed out, I understand that the Government are in the final furlongs of giving out the levelling-up bids. I

must ask the Prime Minister to look kindly on building the Borough Market of the midlands and a future meditech hub in Rutland. Can he assure me that not just urban, but rural areas will be levelled up?

The Prime Minister: I join my hon. Friend in paying tribute to the family of the Interior Minister of Ukraine—our thoughts are with them at this difficult time. I confirm that the Government believe that levelling up should apply equally everywhere across our United Kingdom. Urban and rural communities up and down the country will get the benefit of the investment that they deserve. We will ensure that we spread opportunity and that everyone takes pride in the place that they call home.

Q14. [903181] **Gavin Newlands** (Paisley and Renfrewshire North) (SNP): David Cameron said that the Scottish Parliament was

“one of the most powerful devolved parliaments in the world”,

yet the Prime Minister continues to block the Scottish Parliament’s clear mandate to allow Scots to choose their own future. On Monday, he sent his MPs through the Lobby to deny Scottish workers the right to strike, despite overwhelming Scottish Parliament opposition. On Tuesday, he sent his Secretary of State for Scotland to block a Bill of the Scottish Parliament that was voted for by 70% of MSPs, including Tories. Does he still think that David Cameron’s ridiculous assertion holds any water?

The Prime Minister: Some 347 Acts have been passed by the Scottish Parliament, which is undeniably one of the most powerful devolved legislatures anywhere in the world. In this exceptional case, it is clear that the Bill has adverse consequences on UK-wide equalities legislation. In those exceptional circumstances, the Scottish Secretary has regretfully taken the decision to block passage of the legislation. As I said previously, however, we want to engage in a dialogue with the Scottish Government to ensure that we can find a constructive way through.

Aaron Bell (Newcastle-under-Lyme) (Con): The British people rightly expect us to control our borders, so I was pleased that the Prime Minister made the need to stop the boats in the channel one of his five priorities. Can he reassure me and my constituents that we will not only bolster the patrols on the French beaches, but ensure that people who make that dangerous journey and arrive are removed?

The Prime Minister: My hon. Friend is right that that is a priority for all our constituents, and he is right to highlight our new deal with France, which increases funded patrols on French beaches by 40%. As he said, we must go further to solve the problem once and for all, which means introducing new legislation that makes it unequivocally clear that if someone enters the UK illegally, they should not be able to stay here, but will instead be swiftly detained and removed.

Imran Hussain (Bradford East) (Lab): Last night, the BBC revealed that the Foreign, Commonwealth and Development Office knew the extent of Narendra Modi’s involvement in the Gujarat massacre that paved the way for the persecution of Muslims and other minorities that we see in India today. Senior diplomats reported that the massacre could not have taken place without the “climate of impunity” created by Modi and that he was, in the FCDO’s words, “directly responsible” for the violence. Given that hundreds were brutally killed and that families across India and the world, including here in the UK, are still without justice, does the Prime Minister agree with his Foreign Office diplomats that Modi was directly responsible? What more does the Foreign Office know about Modi’s involvement in that grave act of ethnic cleansing?

The Prime Minister: The UK Government’s position on that is clear and long standing, and it has not changed. Of course, we do not tolerate persecution anywhere, but I am not sure that I agree at all with the characterisation that the hon. Gentleman has put forward.

Mr Speaker: That completes Prime Minister’s questions.

Electric Vehicle Battery Production

12.39 pm

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): (*Urgent Question*): To ask the Secretary of State for Business, Energy and Industrial Strategy if he will make a statement on the UK's gigafactory capacity given the announcement of Britishvolt entering into administration.

The Minister for Energy and Climate (Graham Stuart): Britishvolt entering into administration is a regrettable situation, and our thoughts are with the company's employees and their families at this time. The Government are entirely committed to the future of the automotive industry and promoting EV capability. As part of our efforts to see British companies succeed in the industry, we offered significant support to Britishvolt through the automotive transformation fund on the condition that key milestones, including private sector investment commitments, were met. Unfortunately, the company was unable to meet these conditions and as a result no ATF funds were paid out. Throughout the process, we have always remained hopeful that Britishvolt would find a suitable investor and we are disappointed that this has not been possible. We want to ensure the best outcome for the site, and we will work closely with the local authority and potential investors to achieve this.

The automotive industry is a vital part of the UK economy, and it is integral to delivering on levelling up, net zero and advancing global Britain. We will continue to take steps to champion the UK as the best location in the world for automotive manufacturing as we transition to electric and zero-emission vehicles.

Despite what the party opposite may claim, we are not giving up on the automotive industry: on the contrary, our ambition to scale up the electric vehicle industry on our shores is greater than ever. We are leveraging investment from industry by providing Government support for new plants and upgrades to ensure that the UK automotive industry thrives into the future. Companies continue to show confidence in the UK, announcing major investments across the country including: £1 billion from Nissan and Envision to create an EV manufacturing hub in Sunderland; £100 million from Stellantis for its site in Ellesmere Port; and £380 million from Ford to make Halewood its first EV components site in Europe. And we will continue to work through our automotive transformation fund to build a globally competitive electric vehicle supply chain in the UK, boosting home-grown EV battery production, levelling up and advancing towards a greener future.

Jonathan Reynolds: When the Britishvolt site was first announced in 2019, with the promise to deliver the UK's second ever gigafactory and create 8,000 jobs in Northumberland, it was lauded by the Government as their flagship example of levelling up: the right hon. Member for Spelthorne (Kwasi Kwarteng), then Business Secretary, said that Britishvolt is

"exactly what levelling up looks like",

and Government Ministers fell all over themselves to take the credit, so now they must also accept accountability for its failure, because, much like their levelling up strategy, all we have been left with is an empty space instead of what was promised.

The collapse of Britishvolt into administration is in no uncertain terms a disaster for the UK car industry, but what is even more worrying is that this is a symptom of a much wider failure. The automotive manufacturing sector currently employs over 182,000 people, and if we are to continue to make cars in this country we must make electric batteries in the UK. The Faraday Institution says we need 10 factories by 2040 to sustain our automotive sector, so even if Britishvolt was going ahead we would still be nowhere near where we need to be. These factories are being built in competitor countries, and that is because they have Governments with the vision and commitment to be the partner that private firms need to turn these factories from plans on paper into a reality. Surely the Government must accept that we need an industrial strategy.

Will the Minister update the House on the Government's plans to urgently increase UK battery-making capability? Can he tell us when the Government first had concerns about Britishvolt's ability to deliver the factory, and why did these concerns not come to light when the Department conducted its extensive due diligence investigations into Britishvolt's plans? What conversations has he had with other companies to secure the site and ensure the factory is built in Blyth? And will he now commit to Labour's plans to build eight new gigafactories across the UK and expand the roll-out of charging points to support electric vehicle manufacturing?

Wherever we look the Conservatives are failing this country, whether in public services or our iconic industries. Unless this Government wake up to the scale of the transition required, we will not only risk many of the good jobs that so many of our communities rely upon, but we will miss out on one of the greatest economic opportunities this country has ever had.

Graham Stuart: The hon. Gentleman is right about one thing: there is a tremendous opportunity. That is why we have the automotive transformation fund. That is why we did thorough due diligence on Britishvolt. It is because we set conditions around milestones that it had to meet that not a penny of that fund was dispensed to Britishvolt. However, I make no apology for supporting companies that are going to be part of that opportunity. The idea from the Labour party is that, if it were in power, it would build these factories. That is not how the economy works. That is why, in 2010, after 13 years of Labour Government, we saw youth unemployment up by more than 40%. That is the truth. We saw communities such as Blyth left behind and ignored. We saw an economic strategy that did not work for our young people and did not contribute to net zero in the way that it should. On the underpinning energy system, a bit more than 7% of our electricity came from renewables when Labour left power. Now it is more than 40%.

The net zero strategy announced £350 million for the automotive transformation fund. That was in addition to the £500 million announced as part of the 10-point plan. That is why we are seeing investment. That is why we have nearly full employment. That is why we have factories and manufacturing going ahead in a way that would never happen under Labour.

John Redwood (Wokingham) (Con): As we are very short of commitments to assemble more EVs in the United Kingdom, which would be needed to create

battery demand, will the Minister pause the ban on the sale of new petrol and diesel vehicles until our EV capacity has caught up? Otherwise, the industry will shrink too much.

Graham Stuart: I thank my right hon. Friend, whose economic insights I always value and appreciate. However, we are committed to electric and zero-emission vehicles and we will not stimulate investment in those sectors by removing the mandates that drive consumer choice and have led to such a significant change in our road transport emissions. We are going to have even more ambitious steps.

Mr Speaker: I call the SNP spokesperson.

Alan Brown (Kilmarnock and Loudoun) (SNP): I express sympathy with all those affected by the job losses, but this is an abject failure of the mythical levelling-up agenda. Unfortunately, that should not come as a surprise. It has always irritated me that the Tories claim that they are the ones to level up communities—the very communities that they devastated in the first place.

Just over a year ago, the former, former Prime Minister was boasting about the construction of Britishvolt's gigafactory. He said that it would create 3,000 direct jobs and 5,000 supply-chain jobs, and support the production of 300,000 batteries for car production. That meant putting our faith in a company with no pedigree, no assets except a field and no products to deliver a £4 billion factory—and that with one owner with a conviction for fraud. We know that the Government do not care about paying taxes, but that is akin to awarding a ferry contract to a company with no ferries. When did the Government do due diligence? When did they realise that there was a problem and what actions did they take? When will we see a coherent strategy for battery production, EV manufacturing, the roll-out of charging points across the UK and, importantly, hydrogen vehicle manufacturing and green hydrogen production?

Graham Stuart: I share the hon. Gentleman's enthusiasm for the opportunities that come from net zero. That is why we are moving so hard on nuclear, which of course anybody who is not a prisoner of some ideological opposition and is genuinely committed to green energy would support. We are supporting that across the piece. I do not think that Conservative Members will take lessons on industrial intervention from Scottish nationalists after their shipbuilding enterprises in the north.

Greg Clark (Tunbridge Wells) (Con): As my right hon. Friend pointed out, no cars with internal combustion engines can be sold after 2030, so, if we do not have battery manufacturing in this country, we risk not having car manufacturing in it. Do the Government have a strategy, as they did until 2019, to ensure that we manufacture batteries and cars? In the case of Britishvolt, will they work with the administrators, as they did when British Steel went into administration, to find a buyer who can take it out of administration and into production?

Graham Stuart: I thank my right hon. Friend, before whom I appeared this morning on the subject of delivering nuclear power, for which I noticed there were no Scottish nationalists present. He is absolutely right about the need to have those batteries in place and, as I have said,

that is what the automotive transformation fund, among others, is designed to do. The automotive sector generated £58.7 billion in turnover and £14 billion in GVA in 2021 and we are committed to ensuring that it goes forward successfully. I look forward to working with the former Secretary of State to make sure that we do have those factories in this country, which is absolutely vital to make sure that, on British roads, there are zero-emission vehicles that are produced here and that jobs are created here as a result of that.

Mr Speaker: I call the Chair of the Business, Energy and Industrial Strategy Committee.

Darren Jones (Bristol North West) (Lab): The Americans have announced significant subsidies for industry under the Inflation Reduction Act, and the European Union is responding by streamlining state aid rules and announcing its own subsidies for industry in the European Union. Surely the Minister must recognise that businesses are being attracted to the US and the EU, away from the UK. What is he going to do about it?

Graham Stuart: The hon. Gentleman, who is himself a distinguished Chair of a Select Committee, is right to highlight some of the pressures from IRA in the United States and the response from the EU. We have to ensure that we have policies in place and I look forward—*[Interruption.]* In the coming weeks, we will be coming forward with our green finance strategy and our response to the Climate Change Committee. In hydrogen, carbon capture and so many of these industries, the UK is world leading. We are determined to ensure through a raft of different policies—I know his Select Committee will be scrutinising them—that we retain that position, which has transformed the UK from where it was in 2010, when there was higher unemployment and so little progress on net zero.

Ruth Edwards (Rushcliffe) (Con): To have secure battery production, we need a secure supply of lithium, so the Business, Energy and Industrial Strategy Committee was very concerned to hear last year that 95% of the world's current supply of lithium is processed in China. Can the Minister tell the House what the Government will be doing to increase the resilience of the UK's lithium supply chain both in boosting production at home and in creating partnerships with allies, because we cannot continue this over-reliance on China?

Graham Stuart: As ever in this area, I know my hon. Friend's insights on security issues more broadly and specifically on critical minerals are well founded. The critical minerals strategy sets out our plans to improve the resilience of supply chains and increase the supply by accelerating the growth of the UK's capabilities, as she suggested—there is a development and investment in my own constituency, at Saltend, in critical materials—as well as by collaborating with international partners and enhancing international markets to make them more responsive.

Ian Lavery (Wansbeck) (Lab): On the benefit of clarity and accuracy, the Britishvolt site is in Wansbeck—my constituency. Will the Minister give my constituency some guarantees that the jobs promised with Britishvolt—3,000 plus a further 5,000 in the supply chain—will not

[*Ian Lavery*]

be forgotten, and can he say what support he will give to any potential investor to continue a gigafactory project on the site in Cambois in my constituency?

Graham Stuart: The hon. Gentleman is absolutely right that it is a fantastic site, and we will continue to work with investors and encourage them to go in that direction. As a champion of workers, he must be delighted that we have seen this transformation over the last 12 or 13 years, from the high unemployment left behind, sadly, by the Labour Government to the nearly full employment that Britain enjoys today.

Bim Afolami (Hitchin and Harpenden) (Con): The Minister has been clear today, and indeed the Prime Minister was clear at Prime Minister's questions earlier, about the need for private sector investment in Britishvolt being supported by public sector and Government investment. From the Minister and his Department's discussions with potential private sector investors, could he set out what appear to be the missing ingredients that stop them investing more in this company and in the broader supply chain, and what is being done by him and his Department to help fill in and provide those missing ingredients so that we can improve the resilience of the EV supply chain as a whole?

Graham Stuart: I thank my hon. Friend for his question. Britishvolt is in the best position to judge what happened with its investors. We set milestones, as I have said, for our funding, and we were prepared to put in significant British Government support, but it was dependent on Britishvolt fulfilling its business plan, with its offer to investors that it would bring forward, and then we were going to co-invest with them. That was the plan, and it is not for me as a Government Minister to second-guess the work of that company, or indeed others.

Wera Hobhouse (Bath) (LD): The collapse of Britishvolt is a huge blow by any measure. Owning and running an electric vehicle will continue to be financially out of reach for many or most UK households, and the lack of enough EV charging infrastructure compounds the problem. I welcome the Minister's commitment to the mandatory phasing out of petrol and diesel cars, but how can that successfully happen without having a good charging infrastructure, which currently is woefully inadequate?

Graham Stuart: I thank the hon. Lady for her question. The Government have prioritised securing investment in battery cell gigafactories. As Members have been right to say, this is key in anchoring the mass manufacture of electric vehicles in the UK, safeguarding jobs and driving emissions to net zero by 2050. On 1 July 2021, Envision AESC announced investment in its gigafactory in Sunderland. On 18 July last year, Johnson Matthey confirmed investment in the construction of a factory for PEM—proton exchange membrane—fuel cell components for use in hydrogen vehicles to be located at its existing site in Royston, Hertfordshire. We have to keep on going with that and, as she says, build that investment and make sure we have the policies in place to bring that investment here.

Philip Dunne (Ludlow) (Con): My right hon. Friend is aware that, last month, electric vehicle sales overtook diesel and were one third of all new vehicle sales in the month. There is demand for electric vehicles, and we need to ensure that there is an automotive industry here making them. We have lithium in Cornwall, and members of my Environmental Audit Committee visited the constituency of my hon. Friend the Member for Truro and Falmouth (Cherilyn Mackrory) and saw the lithium mine there. We have natural assets. We have the site that the Minister is interested in and I encourage him to visit it. We visited Blyth and met the Britishvolt management there, who pointed out that the interconnector that serves the site provides electricity from Norway that is 100% fossil fuel-free. So there is a considerable asset in that site, and I urge him to do all he can to engage with the automotive industry to re-establish a credible proposition.

Graham Stuart: I entirely agree with my hon. Friend on the importance of the site, and we are absolutely committed to working with potential investors to ensure that it is developed.

Matt Western (Warwick and Leamington) (Lab): The Minister will know that many in the industry have never actually taken Britishvolt as a serious proposition. The fact is that the Advanced Propulsion Centre has forecast that we need 90 GWh to 100 GWh production by 2030; we stand at 2% to 2.5% currently. Without UK battery manufacture, we do not have an automotive manufacturing industry supporting 180,000 employees. The UK is way behind France, Germany and other countries, and we are in danger of missing out. He will know that, under rules of origin changes, without those batteries, our products will not be competitive. What are the Government going to do?

Graham Stuart: The hon. Gentleman is right to highlight the importance of this and of ensuring that we get policies that put us on track for that kind of transformative change; we are not currently on that track. I look forward to myself and colleagues coming back to the House to talk about that because we have to get it right. He is right to highlight that it is an important strategic interest for the UK.

Mrs Heather Wheeler (South Derbyshire) (Con): I congratulate my right hon. Friend on grasping this difficult nettle. I have the massive Toyota factory in South Derbyshire, and it is hugely important to us that we have these batteries built in the UK—and preferably near me. Would my right hon. Friend kindly agree to a meeting at which we can discuss future international inward investment in that sector?

Graham Stuart: I am grateful to my hon. Friend and I would be delighted to have that meeting. As I say, as part of the green finance strategy, about which I had a cross-Whitehall ministerial meeting just this morning, we are determined to make sure that this is the most investable place on earth for the net zero transition and the best place for companies to build businesses, including gigafactories.

Sammy Wilson (East Antrim) (DUP): The announcement today is a tragedy for those who have jobs in this company and those who were looking forward to having jobs there in future. It is also a hammer blow to the

Government's levelling up policy. The support for this company seems to have been driven more by the desire, in the words of the former Prime Minister, to be

"at the helm of the global green industry"

than a robust economic case. Is the Minister concerned that the company mentioned ballooning energy costs? BMW is moving its production of the Mini to China because it can get cheap energy there. How many more jobs will be sacrificed on the altar of a high energy cost net zero policy?

Graham Stuart: I thank the right hon. Gentleman for his question and his consistency, but if he looks at energy costs at the moment he will find that it is the sky-high prices of fossil fuels that are causing the problems. There is consensus across the House, of which he is not quite a part, that renewables and the Government policy of building them at scale are bringing the lowest cost energy to the grid. The contract for difference companies are paying hundreds of millions of pounds into subsidised bills because under the CfD mechanism, while they were guaranteed a figure with high prices that are driven by gas prices, they are now contributing and lowering bills. It is precisely more renewables and more green energy that we need in order to have a more affordable grid for our industry and our residents.

Jerome Mayhew (Broadland) (Con): About 40% of the components of an electric vehicle are contained within the battery. That matters because of the definition of "British made" when we export to the European Union and elsewhere. The Britishvolt site is a fantastic site with great renewable electricity and it is ready to go. Will my right hon. Friend confirm what the Government are doing to ensure that an alternative battery manufacturer takes advantage of that great site and creates employment locally?

Graham Stuart: My hon. Friend is absolutely right. I am working closely with the Department for International Trade, the Minister with responsibility for investment and others, and I am delighted to have the Minister for Trade Policy, my right hon. Friend the Member for Chelsea and Fulham (Greg Hands), here beside me. We are absolutely determined to sell the opportunity of the site to contribute to the wider goals we have discussed, and to ensure local jobs and employment. The site offers a tremendous opportunity.

Rachel Hopkins (Luton South) (Lab): Luton has long been associated with the motor manufacturing industry at the Vauxhall plant in my constituency. Workers there will tell you that their futures are under threat without battery factories. Another major worry in the automotive sector is the semiconductor supply chain. We have waited two years for the Government's review. Can the Minister tell us when we will finally get it?

Graham Stuart: The hon. Lady is right to highlight the importance of semiconductors to the automotive industry. I hope we will see that coming out as soon as possible.

Andrew Selous (South West Bedfordshire) (Con): As an unashamed enthusiast of UK electric vehicle production, there is understandable sadness on all sides of the House that Britishvolt is not proceeding. It was good to hear my right hon. Friend the Minister talk about four

or five significant investments here in the UK, but I hope his Department will come back to the House shortly to further outline the UK strategy in this area, in particular on critical mineral supply chains—they have already been raised—which are so key to this part of the UK's economic future.

Graham Stuart: My hon. Friend takes a close interest in these issues. He is right that we need to do more and critical minerals are a part of that. A whole series of elements need to come together, as another hon. Friend said, to form that battery and to be the vital component in a successful British automotive manufacturing industry for the future.

Catherine West (Hornsey and Wood Green) (Lab): Is it not the case that, in this crucial industry, this is just yet another example of the lack of confidence in the UK economy? Part of the reason for that is because there is no strategy. When will the Government come forward with a strategy for industry, so that external partners can have trust and build business confidence in these sorts of proposals?

Graham Stuart: Opposition Members lose no opportunity to talk down the UK. It is quite extraordinary, especially in the week when we have just seen evidence come out that the UK is seen by—*[Interruption.]* If the hon. Lady, instead of chuntering from a sedentary position, were to stop her rant against the UK and its position in the world and hear the answer, she would hear that global CEOs have identified the UK as the third most attractive place in the world in which to invest. If she was as committed to helping workers as her party claims to be, then instead of talking this country down she would be highlighting those issues, celebrating the fact that we have nearly full employment and celebrating the fact that we are not in the position we were in, with so many young people on the dole, in 2010.

Cherilyn Mackrory (Truro and Falmouth) (Con): I declare an interest as chair of the all-party parliamentary group for critical minerals. As others have mentioned, it is vital that we step up not only the domestic supply chain but collaboration with friendly nations such as Australia, Japan, the US, Canada and so on, to ensure that we get all the minerals we need for our British-made battery production, starting with, but not limited to, Cornish lithium.

Graham Stuart: I thank my hon. Friend, who is always championing her constituency and its interests, and emphasising the fact that yes, quite rightly, critical minerals are important, and that working with partners and trusted allies is absolutely critical. Colleagues in the Department for International Trade and the Foreign, Commonwealth and Development Office are absolutely alive to that and we use our posts around the world to make sure we build a consensus and a common approach. We want security not just for ourselves, but for our democratic partners too.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): Battery production and electric vehicle roll-out counts for nothing if the EV battery charging infrastructure is not adequate. England still lags well behind Scotland

[Gavin Newlands]

in its charging network. This Government have a target of 300,000 chargers by 2030. Last year, they installed just under 8,000 chargers and that was a ramp up in installation. The Government are not going to meet their target, are they?

Graham Stuart: The hon. Gentleman is right to highlight the importance of charging infrastructure. We need to do more and we need to do it faster. We are absolutely focused on delivering that.

James Wild (North West Norfolk) (Con): My right hon. Friend rightly protected taxpayers' money as milestones were not met, but will he confirm to potential investors that the £100 million is still on the table for firms that can get the private sector investment and the orders that Britishvolt was sadly unable to?

Graham Stuart: In the net zero strategy it was announced that there would be £350 million of funding for the automotive transformation fund, in addition to the £500 million announced as part of the 10-point plan.

Matt Rodda (Reading East) (Lab): This is clearly deeply disappointing news, both for the workforce and the wider UK economy. As we heard earlier, the electrification of vehicles is slipping backwards under this Government's watch. Will the Minister update the House on what action he will now take to try to improve this very worrying situation?

Graham Stuart: In terms of vehicles on the road, as one of my hon. Friends mentioned, we are actually seeing record sales. We are seeing that transformation going ahead. [Interruption.] As the shadow Secretary of State rightly says from a sedentary position, we want to make them here—that is a shared aspiration. Today is not good news, but I make no apology for, with conditions, making that offer to Britishvolt because we wanted to help it. We did thorough due diligence and we wanted it to succeed, but it was unable to do so. If we want an enterprise economy, we will have failures as well as successes. We cannot have some kind of monolithic approach. We must keep going to deliver the industry we want, so that we can have the outcomes the hon. Gentleman and I desire.

Holly Mumby-Croft (Scunthorpe) (Con): Clearly, this is unwelcome and sad news. Does my right hon. Friend agree that the Government must keep a constant eye on ensuring that the UK remains an attractive place for new investors and, alongside that, ensure that we retain the ability to make other materials that are essential for net zero, such as steel?

Graham Stuart: My hon. Friend would never miss an opportunity to promote Scunthorpe steel, and I applaud that. That is why she is rightly seen as a champion for her constituents, protecting their interests. Steel, like energy, is at the heart of almost every product and needs to be a fundamental part of our system if we are to have a successful economy.

Ian Paisley (North Antrim) (DUP): I agree with the Minister that this is a most regrettable situation. It is a

blow to the automotive sector in the United Kingdom. Battery integrity for the UK is essential if we are to save the industry, but if we are in a race to beat China, it is a race that we cannot win. To follow on from the question that the hon. Member for Wansbeck (Ian Lavery) asked, is the Minister engaging in roundtable talks with other suitors who could step into the shoes of the failed directors and try to reinvest in and reinvigorate opportunities in the sector? Is this also an opportunity for the Minister to look afresh at the opportunities for hydrogen, in which we are ahead of China?

Graham Stuart: We are engaging with the Department for International Trade—as I hope the presence in the Chamber of my right hon. Friend the Minister for Trade Policy indicates—to make that case to investors. We have the green finance strategy, as I say, and our response to the Climate Change Committee and to the judicial review are coming up in the coming weeks, sending a real signal of the investability of the UK in the green sectors. I know that the hon. Gentleman, perhaps unlike the right hon. Member for East Antrim (Sammy Wilson), is an enthusiast because he can see the economic opportunity; if the hon. Gentleman can use the few feet between the two of them to educate his right hon. Friend, he will be an even greater politician than I thought he was already.

Richard Graham (Gloucester) (Con): Last month, I spoke at the launch in London of the Indo-Pacific Net-zero Battery-materials Consortium, which brings together British and far eastern businesses, working with the support of the British and Indonesian Governments, to secure materials essential for battery production, such as nickel. Some politicians here today have talked about sprouting battery factories in the UK as if they were mushrooms, but the reality is that they depend on sources of materials. That is precisely what our Government are helping to facilitate.

Graham Stuart: My hon. Friend is a shining example of how the trade envoy programme can allow Members of this House to gain a deep understanding of other countries, engage with their Governments, and see in context how engagement with another country and its industries can contribute to the success of our own, to the mutual benefit of both countries concerned.

Mr Speaker: That completes it—apart from Jim Shannon.

Jim Shannon (Strangford) (DUP): I thank the Minister very much for his answers to all those questions and for the industrious method that he is using to try to find a way forward. Will he outline how he intends to secure production of batteries for the industry and secure access for the future, as we are paying an excess because of our reliance on foreign entities? British battery production must be supported at all times. In my constituency of Strangford there is much interest in battery storage, and indeed in production, if possible. Northern Ireland wants to be a part of that. Will the Minister outline how all regions of the United Kingdom of Great Britain and Northern Ireland can play their part in electric battery production?

Graham Stuart: I thank the hon. Gentleman for his—as ever—courteous question. He is right about the importance of Northern Ireland playing its part in the automotive industry as we move to zero-emissions vehicles. I look forward to having the opportunity to discuss this issue and others later this week when I visit Strangford Lough with him to hear about that particularly successful technology.

Points of Order

1.13 pm

Mr Ben Bradshaw (Exeter) (Lab): On a point of order, Mr Speaker. You may have heard that today the Church of England bishops have recommended no substantial change to the Church's current ban on same-sex couples being married in church in England, although of course it is already possible in Scotland and will soon be possible in Wales. Many Members across the House—the majority, I would judge—believe that by continuing to exclude lesbian and gay people from its full rites, the Church is no longer compatible with its established status, which confers the duty to serve the whole nation. Has the Second Church Estates Commissioner indicated to you whether he will come to this House and make a statement on this very serious state of affairs and its potential constitutional consequences?

Mr Speaker: The answer is no—nobody has come to speak to me—but the Second Church Estates Commissioner is here with us and may wish to answer the right hon. Gentleman.

The Second Church Estates Commissioner (Andrew Selous): Further to that point of order, Mr Speaker. I hear exactly what the right hon. Gentleman says. He will know that I will be answering questions in this House next Thursday, and I will willingly take questions on that. I should also point out that the Church of England has not yet made a formal, full statement on the matter. That will happen on Friday; I myself am only being fully briefed on it tomorrow. I am available to this House next Thursday and at any time at your discretion, Mr Speaker.

Mr Speaker: Unless the right hon. Member for Exeter (Mr Bradshaw) can get a question, he may not be able to get in as easily, so it may be appropriate for the Second Church Estates Commissioner to come forward with a statement rather than waiting for Church Commissioners' questions. It would be helpful to have that statement on Monday; I would encourage that, because it is a topic that the House will wish to know about. I will leave that with the Second Church Estates Commissioner.

Mr David Davis (Haltemprice and Howden) (Con): On a point of order, Mr Speaker. I hope you will forgive me for a boring, but important, administrative point of order—nothing new, do I hear you say?

Yesterday, we asked the Vote Office and the House of Commons Library for a copy of a Government report by Ben Goldacre for a meeting today. It is a very important report. We were told that it was too long for the Vote Office to print, so it was sent off-site to Waterloo. We were also told that the House of Commons Library does not keep copies of Government reports, which rather astonished me. When we received the report from the off-site printers, it arrived in random order—page 1, page 7, page 3, page 15 and so on—so it was a little difficult to use. When we called them, they said that that was because the Government had provided the document in the wrong format. It is important in this House that we have access to printed copies of Government documents, so can the House do anything to ensure that that happens in future?

Mr Speaker: Thank you for making me aware of that. I would have automatically assumed that the Library of the House of Commons would keep reports. “If not, why not?” would be my question to the Library, and I hope that it can review that. I am disappointed that the right hon. Member was not able to get hold of those papers; I am sure that that will be rectified very quickly, following his point of order.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): On a point of order, Mr Speaker. I wanted to notify the House at the earliest opportunity that I have written to the hon. Member for Penistone and Stocksbridge (Miriam Cates) to acknowledge that the tone of my remarks in the Chamber yesterday was a mistake. I stand by the words that I said, and I profoundly disagree with the comments that the hon. Member made, but our job as MPs is to channel passion and anger into considered debate to win our arguments—in this case, on the trans community and devolution. I recognise that I failed to control that passion during what was an emotional debate. I should have expressed my deep disagreement on what I believe is an abhorrent view in a more appropriate way. I want to particularly apologise to Madam Deputy Speaker, who had to preside over the debate.

Mr Speaker: I am grateful to the hon. Gentleman for giving notice that he wished to come and make that point of order. It allows me to take this opportunity to remind hon. Members of the importance of good temper and moderation in contributions from all sides and all Members. We will disagree, but how we express that disagreement is important. Please, let us have moderate and temperate language going forward.

BILL PRESENTED

LOCAL ELECTRICITY BILL

Presentation and First Reading (Standing Order No. 57)

David Johnston, supported by Peter Aldous, Hilary Benn, Sir Graham Brady, Alan Brown, Simon Fell, Wera Hobhouse, Ben Lake, Clive Lewis, Selaine Saxby, Mick Whitley and Sir Jeremy Wright, presented a Bill to enable electricity generators to become local electricity suppliers; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 24 March, and to be printed (Bill 231).

Fertility Treatment (Transparency)

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

1.18 pm

Alex Davies-Jones (Pontypridd) (Lab): I beg to move,

That leave be given to bring in a Bill to require providers of in vitro fertilisation to publish information annually about the number of NHS-funded IVF cycles they carry out and about their provision of certain additional treatments in connection with in vitro fertilisation; to require such providers to publish a report about their provision of NHS-funded IVF treatment in certain circumstances; and for connected purposes.

It is an honour to speak on this Bill about a subject that colleagues will know is very close to my heart. I thank the Bill’s sponsors, many of whom are here today, for their support. Indeed, I am extremely grateful to have support from colleagues across the House who have recognised that there are currently gaps in IVF policy more widely.

Ask anyone who has experience of IVF, whether personally or from watching loved ones go through the process, and they will tell you that IVF is one of the most emotionally and mentally challenging processes that someone can ever undertake. My own IVF journey began in 2018, and I have been very open about the fact that I knew from the start that my road to pregnancy would be difficult. While I am certainly one of the very lucky ones—after only one round of IVF, I was blessed with my beautiful son Sullivan—I still had many eye-opening experiences during my fertility journey that have led me to this point today.

Let us be clear: the current state of the IVF offering across the UK is far below what would-be parents deserve. I will be honest with the Minister: none of the devolved nations, or England, is currently getting it right.

It was those first-hand experiences that brought me to this issue and prompted me to introduce the Bill. Since I was elected three years ago, I have campaigned extensively to “right” the “wrongs” that I have experienced at first hand as an IVF patient. I passionately believe that many of the problems that currently affect patients seeking IVF can be addressed by an improvement in the transparency requirements to which clinics must adhere.

In my view, there are two areas in which inadequate transparency levels are most pressing. First, there is an unacceptable lack of transparency in respect of the number of NHS-funded cycles that IVF clinics are offering. We need to be able to hold the clinics to account for their failures to adhere to guidelines from the National Institute for Health and Care Excellence which clearly state that NHS England should offer three full cycles of IVF to all women under 40 if they have been trying unsuccessfully to have a child for more than two years. The reality is that across the UK fewer than half of all IVF cycles for under-35s were funded by the NHS, and in England it is even worse: just 36% of IVF cycles are funded by the NHS. The result is a patchwork of different IVF services across the country, with unacceptable regional disparities. Not only will compelling clinics to publish the extent to which they are abiding by NICE guidelines empower patients to make informed choices about paying for treatment, but we will be holding clinics to account over where they fall short. Because of these regional disparities, the vast

majority of clinically eligible patients ultimately face funding their own treatment. Such a high proportion is plainly and simply against NICE guidelines. Some couples are having to pay up to £15,000 for a single IVF cycle, and that cannot be right.

The second transparency issue that the Bill seeks to address relates to the controversial “add-on” treatments that IVF clinics market to their patients, often without sufficient information about their efficacy. Different clinics call these products by a wide variety of names. Some refer to them as “supplementary” treatments or “adjuvant” treatments, or, most ambiguously of all, simply “embryology treatments”. These add-ons often add thousands of pounds’ worth of extra “treatment” to the overall cost of IVF, and the science behind them is often murky, or at least unclear.

The mis-selling of IVF add-ons is an issue of particular importance to me. I know at first hand that for many would-be parents seeking IVF treatment, especially those on low incomes and those who have endured several rounds of IVF already, being offered these additional products can often mean making heart-wrenching decisions. When you feel that you would do anything just to increase your chances of successfully having a baby, perhaps even by just 1%, shelling out thousands of pounds for procedures including “endometrial scratching”, “preimplantation genetic testing” or perhaps an “intrauterine culture” seems a reasonable—perhaps even routine—step to take, but the reality is that none of those add-ons has a solid evidence base to support its effectiveness, no matter how scientific they sound. We know that they lack solid clinical evidence because of the work of the Human Fertilisation and Embryology Authority and its “traffic-light” system for rating add-ons.

Of course that rating system is useful to many thousands of IVF patients and I commend the HFEA for its work, especially its calls for clinics to be more open about the add-ons they provide, but I strongly believe that we need to do more, which is why the Bill’s second primary purpose is to mandate that clinics publish data on the number of add-on treatments that they sell. We cannot allow a situation in which desperate would-be parents are not properly informed about the efficacy of eye-wateringly expensive add-on treatments, and are exploited and seen as cash cows by clinics that just want to make money. As with the regional disparities issue that I mentioned earlier, by requiring the publication of data

on add-on services we can hold clinics to account far more easily, and use that data as a key tool to improve the way in which IVF services are offered across the country.

Put together, the transparency issues that plague our IVF services contribute to what is commonly known as the “postcode lottery” of IVF. Up and down the country, IVF clinics are offering vastly different levels of NHS-backed IVF, often in breach of NICE guidelines, and all with differing approaches to selling add-ons. The NHS’s new integrated care systems, introduced by the Government’s Health and Care Act 2022, were set up specifically to tackle inequalities in access and health outcomes, including IVF outcomes, but if the issues of transparency are not addressed, those inequalities will simply continue to persist. That is why I believe that the Bill is a vital step in ensuring that ICSs fulfil their obligations.

This Bill is a starting point. With the useful data that it will provide, we will have the tools to address the issues that I have raised today. In no way is it trying to fix all the problems that prospective IVF parents currently face. Indeed, I pay tribute to colleagues on both sides of the House who have campaigned tirelessly on other important issues relating to fertility access. I pay particular tribute to one of my co-sponsors, the hon. Member for Cities of London and Westminster (Nickie Aiken), for her work on her own Private Member’s Bill requiring employers to provide paid fertility leave.

We have much more to do if we are to improve the way in which our country provides IVF, and improving our cultural attitudes to it, including attitudes in the workplace, is no exception. I believe that the Bill is an important starting point. From transparency will come accountability, and with accountability we can finally address the IVF postcode lottery once and for all.

Question put and agreed to.

Ordered.

That Alex Davies-Jones, Nickie Aiken, Tonia Antoniazzi, Steve Brine, Stella Creasy, Dame Caroline Dineneage, Christine Jardine, Dame Diana Johnson, Justin Madders, Siobhain McDonagh, Charlotte Nichols and Caroline Nokes present the Bill.

Alex Davies-Jones accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 24 March, and to be printed (Bill 230).

Retained EU Law (Revocation and Reform) Bill

Consideration of Bill, as amended in the Public Bill Committee

[Relevant documents: Fifth Report of the European Scrutiny Committee, *Retained EU Law: Where next?*, HC 122, and the Government response, HC 885; and Oral evidence taken before the European Scrutiny Committee on 15 November 2022, on *The UK's new relationship with the EU*, HC 120.]

New Clause 1

"ASSIMILATED LAW"

(1) As regards all times after the end of 2023, the things listed in the left-hand column are to be known by the names in the right-hand column.

At or before the end of 2023	After the end of 2023
Retained EU law	Assimilated law
Retained case law	Assimilated case law
Retained direct EU legislation	Assimilated direct legislation
Retained direct minor EU legislation	Assimilated direct minor legislation
Retained direct principal EU legislation	Assimilated direct principal legislation
Retained domestic case law	Assimilated domestic case law
Retained EU case law	Assimilated EU case law
Retained EU obligation	Assimilated obligation

(2) Accordingly, as regards all times at or before the end of 2023, the things listed in the right-hand column continue to be known by the names in the left-hand column.

(3) Schedule ("*Assimilated law*": *consequential amendments*) contains amendments consequential on subsection (1).

(4) A reference in an enactment to a thing in the left-hand column of the table in subsection (1) is to be read, as regards all times after the end of 2023, as a reference to the thing by its name in the right-hand column.

(5) Subsection (4) does not apply to any title of an enactment (including any provision about how an enactment may be cited) or any reference to a title of an enactment.

(6) The provision that may be made by regulations under section 19 (power to make consequential provision) in consequence of subsection (1) of this section includes, in particular—

- (a) provision adding entries to the table in subsection (1) for things which relate to the things for which there are entries in the table (and adding definitions for those things to subsection (7));
- (b) provision amending an enactment in consequence of the name of a thing being changed by subsection (1) (including by virtue of regulations under section 19).

(7) In this section—

"retained case law", "retained domestic case law" and "retained EU case law" have the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018 (as it has effect on the day on which this Act is passed);

"retained EU law", "retained direct EU legislation", "retained direct minor EU legislation", "retained direct principal EU legislation" and "retained EU obligation" have the meaning given by Schedule 1 to the Interpretation Act 1978 (as it has effect on the day on which this Act is passed)."—(*Ms Ghani*.)

This new clause renames "retained EU law" and related bodies or types of law and makes related provision.

Brought up, and read the First time.

1.26 pm

The Minister for Industry and Investment Security (Ms Nusrat Ghani): I beg to move, That the clause be read a Second time.

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

New clause 2—*Conditions for bringing sections 3, 4 and 5 into force*—

"(1) None of sections 3, 4 or 5 may be brought into force unless all the following conditions have been satisfied.

(2) The first condition is that a Minister of the Crown has, after consulting organisations and persons representative of interests substantially affected by, or with expertise in the likely legal effect of, that section on a draft of that report, laid a report before each House of Parliament setting out, with reasons, the Minister's view as to the likely advantages and disadvantages of bringing that section into force, setting out in particular the effect of that section on:

- (a) the rights of and protections for consumers, workers, and businesses, and protections of the environment and animal welfare;
- (b) legal certainty, and the clarity and predictability of the law;
- (c) the operation of the Trade and Cooperation agreement between the United Kingdom and the EU, and UK exports of goods and services to the European Economic Area; and
- (d) the operation of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.

(3) In relation to section 4, that report must take into account any regulation made or likely to be made by a relevant national authority under section 8(1).

(4) The second condition is that a period of sixty days has passed since that report was laid before Parliament, with no account to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.

(5) The third condition is that, after the end of that period, both Houses of Parliament have approved a resolution that that section come into force.

(6) If both Houses of Parliament have approved a resolution that that section should not come into force unless it is amended in a way set out in that resolution, then the Minister may by regulation amend that section accordingly, and that section may not be brought into force until that amendment has been made."

This new clause requires Ministers to analyse, and to explain their analysis of, the effect of the removal of retained EU law rights, the principle of supremacy of EU law, and of the general principles. It also includes opportunity for Parliamentary approval and timeframes for laying reports before both Houses.

New clause 3—*Conditions on the exercise of powers under section 15 and 16*—

"(1) The first condition is that the relevant national authority has consulted such organisations as appear to it to be representative of interests substantially affected by its proposals, and any such other persons as it considers appropriate, on a draft of those regulations.

(2) The second condition is that the national authority has, after that consultation has concluded and after considering any representations made to it, laid a draft of the regulations before each House of Parliament (or, as the case may be, the Scottish Parliament, Senedd or Northern Ireland Assembly), together with a report setting out, with reasons, the authority's view as to the likely advantages and disadvantages of making those regulations, setting out in particular:

- (a) a summary of the objectives and effect of those regulations as compared to the instrument that they will revoke, replace or modify;

- (b) any difference as between that instrument and the proposed regulations in terms of protections for consumers, workers, businesses, the environment, or animal welfare;
- (c) any benefits which are expected to flow from the revocation or replacement of that instrument;
- (d) the consultation undertaken as required by subsection (2);
- (e) any representations received as a result of that consultation;
- (f) the reason why the national authority considers that it is appropriate to make those regulations, having considered those representations;
- (g) the reasons why the national authority considers that section 15(5) (overall reduction in burdens) does not preclude the making of the regulations, explaining what burdens are reduced or increased as a result of the making of the regulations;
- (h) the compatibility of the revocation, modification, or replacement of that instrument with obligations in the Trade and Cooperation Agreement between the United Kingdom and the EU, and the likely effect on UK exports of goods or services to the European Economic Area; and
- (i) the likely effect of the revocation, modification, or replacement of that instrument on the operation of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.

(3) The third condition is that a period of sixty days has passed since those draft regulations or that report were laid as required by subsection (2) with no account to be taken of any time during which Parliament (or, as the case may be, the Scottish Parliament, Senedd Cymru or Northern Ireland Assembly) is dissolved or prorogued or during which either House or that body is adjourned for more than four days, and where they were laid before Parliament, paragraph 8(11)(a) of Schedule 3 shall apply in determining the commencement of that period.

(4) The fourth condition is that the national authority has considered any representations made during the period provided for by subsection (3) and, in particular, any resolution or report of, or of any committee of, either House of Parliament (or, as the case may be of the Scottish Parliament, Senedd Cymru or Northern Ireland Assembly) with regard to the proposals, and has published its reasons for accepting or rejecting any such representations, resolution, or report.”

This new clause requires the relevant national authorities to consult with key stakeholders on proposed regulations revoking or replacing REUL, and to show Parliament their assessment of the impact of the changes

New clause 5—Powers to revoke or replace: application to environmental law—

“(1) This section applies in respect of provision which may be made by a relevant national authority under section 15 where the provision is in respect of secondary retained EU law which is environmental law.

(2) No provision may be made unless the relevant national authority considers that the provision will contribute to a significant improvement in environmental protection.

(3) The relevant national authority must—

- (a) have regard to international environmental protection legislation and international best practice on environmental protection,
- (b) comply with the requirements and objectives of the Aarhus, Bonn, Bern, Ramsar, OSPAR and Biodiversity Conventions, and
- (c) comply with environmental principles and the policy statement on environmental principles.

(4) The relevant national authority must—

- (a) seek advice from persons who are independent of it and have relevant expertise,

- (b) seek advice from, as appropriate, the Office for Environmental Protection, Environmental Standards Scotland, a devolved environmental governance body or other person exercising similar functions, and
 - (c) publish a report setting out—
 - (i) how the provision will contribute to a significant improvement in environmental protection, and
 - (ii) how the authority has taken into account the advice from the persons referred to in paragraphs (a) and (b).
- (5) In this section—

“Aarhus Convention” means The UNECE Convention on access to information, public participation in decision making and access to justice in environmental matters (Aarhus, 25 June 1998);

“Bern Convention” means the Council of Europe’s Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979) [ratified / signed];

“Biodiversity Convention” means the UN Convention on Biodiversity (Rio, 1992);

“Bonn Convention” means The Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979);

“devolved environmental governance body” has the same meaning as in section 47 of the Environment Act 2021;

“environmental law” has the same meaning as in section 46 of the Environment Act 2021, but without the exception set out in section 46(3) and (4) (devolved legislative provision);

“environmental protection” has the same meaning as in section 45 of the Environment Act 2021;

“environmental principles” and “policy statement on environmental principles” have the same meanings as in section 17 of the Environment Act 2021;

“Environmental Standards Scotland” has the same meaning as in section 19 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021;

“international environmental protection legislation” has the same meaning as in section 21 of the Environment Act 2021;

“Office for Environmental Protection” has the same meaning as in section 22 of the Environment Act 2021;

“OSPAR Convention” means The Convention for the Protection of the Marine Environment of the North-East Atlantic (1992);

“RAMSAR Convention” means The Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 1971).”

This new clause creates additional conditions to be satisfied before the powers set out in clause 15 can be exercised where the subject matter of their exercise concerns environmental law.

Amendment 33, page 1, line 2, leave out clause 1.

This amendment deletes the sunset clause.

Amendment 18, page 1, line 4, leave out “2023” and insert “2026”.

This amendment moves the sunset of legislation from 2023 to 2026.

Amendment 28, page 1, line 6, at end insert—

“(1A) Subsection (1) does not apply to an instrument, or a provision of an instrument, that—

- (a) would be within the legislative competence of the Scottish Parliament if it were contained in an Act of the Scottish Parliament, or
- (b) could be made in subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone.”

This amendment restricts the automatic revocation or “sunsetting” of EU-derived subordinate legislation and retained direct EU legislation under Clause 1 of the Bill so that it does not apply to legislation that is within the legislative competence of the Scottish Parliament.

Amendment 37, page 1, line 6, at end insert—

“(1A) Subsection (1) does not apply to an instrument, or a provision of an instrument, that—

- (a) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of the Northern Ireland Assembly, or
- (b) could be made in subordinate legislation by Ministers of the Northern Ireland Executive.”

This amendment restricts the automatic revocation or “sunsetting” of EU-derived subordinate legislation and retained direct EU legislation under Clause 1 of the Bill so that it does not apply to legislation that is within the legislative competence of the Northern Ireland Executive and Assembly.

Amendment 38, page 1, line 6, at end insert—

“(1A) Subsection (1) does not apply to an instrument, or a provision of an instrument, that—

- (a) would be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru, or
- (b) could be made in subordinate legislation by the Welsh Ministers acting alone.”

This amendment restricts the automatic revocation or “sunsetting” of EU-derived subordinate legislation and retained direct EU legislation under Clause 1 of the Bill so that it does not apply to legislation that is within the legislative competence of the Senedd.

Amendment 19, page 1, line 9, at end insert—

“(2A) Subsection (1) does not apply to the following instruments—

- (a) Management of Health and Safety at Work Regulations 1999,
- (b) Children and Young Person Working Time Regulations 1933,
- (c) Posted Workers (Enforcement of Employment Rights) Regulations 2020,
- (d) Part Time Employees (Prevention of Less Favourable Treatment) Regulations 2000,
- (e) Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002,
- (f) Transfer of Undertakings (Protection of Employment) Regulations 2006,
- (g) Information and Consultation of Employees Regulations 2004,
- (h) Road Transport (Working Time) Regulations 2005,
- (i) Working Time Regulations 1998,
- (j) Agency Workers Regulations 2010,
- (k) Maternity and Parental Leave etc Regulations 1999,
- (l) Trade Secrets (Enforcement etc) Regulations 2018 and
- (m) The Health and Safety (Consultation with Employees) Regulations 1996.”

This amendment would exclude certain regulations which provide for workers’ protections from the sunset in subsection (1).

Amendment 21, page 1, line 9, at end insert—

“(2A) Subsection (1) does not apply to the following instruments—

- (a) The REACH Regulation and the REACH Enforcement Regulations 2008,
- (b) The Conservation of Habitats and Species Regulations 2017,
- (c) The Conservation of Offshore Marine Habitats and Species Regulations 2017,
- (d) The Urban Waste Water Treatment (England and Wales) Regulations 1994,

- (e) The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010,
- (f) The Bathing Waters Regulations 2013,
- (g) Water Environment (Water Framework Directive) (England and Wales) Regulations 2017,
- (h) The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (also known as the Farming Rules for Water),
- (i) The Marine Strategy Regulations 2010,
- (j) The Marine Works (Environmental Impact Assessment) Regulations 2007,
- (k) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017,
- (l) The Plant Protection Products Regulations 1107/2009,
- (m) The Sustainable Use Directive Regulation (EC) 396/2005,
- (n) The National Emission Ceilings Regulations 2018,
- (o) Invasive Alien Species (Enforcement and Permitting) Order (2019),
- (p) Directive 2010/63 on the protection of animals used for scientific purposes,
- (q) Directive 1999/74 laying down minimum standards for the protection of laying hens,
- (r) Regulation 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof, and
- (s) The Welfare of Animals (Transport) (England) Order 2006.”

This amendment would exclude certain legislation which provides for environmental protections from the sunset in subsection (1).

Amendment 24, page 1, line 9, at end insert—

“(2A) Subsection (1) does not apply to the following instruments—

- (a) The Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005,
- (b) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations,
- (c) The Consumer Rights (Payment Surcharges) Regulations 2012,
- (d) The Electrical Equipment (Safety) Regulations 2016,
- (e) The Toys (Safety) Regulations 2011,
- (f) The Control of Asbestos Regulations 2012,
- (g) The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015,
- (h) The Cocoa and Chocolate Products (England) Regulations 2003,
- (i) Commission Regulation (EU) No 748/2012 of 3 August 2012,
- (j) The Representation of the People (England and Wales) Regulations 2001, and
- (k) The Bauer [C-168/18] and Hampshire [C-17/17] judgements.”

This amendment would exclude certain retained EU law which provides for consumer protections from the sunset in subsection (1).

Amendment 36, page 1, line 12, at end insert—

“(3A) The Secretary of State must, no later than three months before the date specified in subsection (1), publish a list of all legislation being revoked under this section (the “revocation list”) and lay a copy before Parliament.

(3B) With each update of the revocation list up to the date specified in subsection (1), the Secretary of State must lay an updated copy of the revocation list before Parliament.

- (3C) Any legislation not included in the revocation list, as updated, on the date specified in subsection (1) is not revoked.
- (3D) At any time before the date specified in subsection (1), the House of Commons may by resolution amend the revocation list by adding or removing instruments specified in the resolution, and the Secretary of State must accordingly lay the updated revocation list before Parliament.
- (3E) At any time before the date specified in subsection (1), the House of Lords may by resolution propose amendment of the revocation list by adding or removing instruments specified in the resolution.
- (3F) If the House of Commons does not pass a motion disagreeing with a resolution of the House of Lords under subsection (3E) within ten days of the date of that resolution, the Secretary of State must amend the revocation list in accordance with the resolution of the House of Lords and lay the updated version before Parliament.
- (3G) If the Secretary of State does not amend the revocation list when required to do so by paragraphs (3D) or (3F) before the date specified in paragraph (1), the revocation list will be deemed to have been amended as specified in the resolution of the relevant House of Parliament, and the relevant legislation will be treated as though the change has been made.
- (3H) Any legislation to which section (3C) applies is not to be considered as either retained EU law or assimilated law.”

This amendment would require the Government to publish an exhaustive list of every piece of legislation being revoked under the Sunset Clause, and allow for Parliamentary oversight of this process so that it is the House of Commons which has the ultimate say on which legislation is affected.

Amendment 29, in clause 2, page 2, line 12, at end insert—

- “(1A) Subsection (1) has effect in relation to provision which is within the competence of the Scottish Ministers as if, after “A Minister of the Crown”, there were inserted “or the Scottish Ministers”.
- (1B) A provision is within the devolved competence of the Scottish Ministers for the purposes of this section if—
- (a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, or
- (b) it is provision which could be made in other subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone.”

This amendment clarifies what provisions would be devolved and therefore under the competence of Scottish Ministers for decision, rather than a Secretary of State.

Amendment 39, page 2, line 12, at end insert—

- “(1A) Subsection (1) has effect in relation to provision which is within the competence of the Welsh Ministers as if, after “A Minister of the Crown”, there were inserted “or the Welsh Ministers”.
- (1B) A provision is within the devolved competence of the Welsh Ministers for the purposes of this section if—
- (a) it would be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru, or
- (b) it is provision which could be made in other subordinate legislation by the Welsh Ministers acting alone.”

This amendment clarifies what provisions would be devolved and therefore under the competence of Welsh Ministers for decision, rather than a Secretary of State.

Government amendments 1, 3 and 6.

Amendment 26, in clause 7, page 4, line 36, at end insert—

- “(d) the undesirability of disturbing settled understandings of the law, on the basis of which individuals and businesses may have made decisions of importance to them;
- (e) the importance of legal certainty, clarity and predictability; and
- (f) the principle that significant changes in the law should be made by Parliament (or, as the case may be, the relevant devolved legislature).”

This amendment adds further conditions for higher courts to regard when deciding to diverge from retained EU case law.

Government amendments 7 to 17 and 2.

Amendment 20, in clause 15, page 17, line 28, at end insert—

- “(1A) Subsection (1) does not apply to the following instruments—
- (a) Management of Health and Safety at Work Regulations 1999,
- (b) Children and Young Person Working Time Regulations 1933,
- (c) Posted Workers (Enforcement of Employment Rights) Regulations 2020,
- (d) Part Time Employees (Prevention of Less Favourable Treatment) Regulations 2000,
- (e) Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002,
- (f) Transfer of Undertakings (Protection of Employment) Regulations 2006,
- (g) Information and Consultation of Employees Regulations 2004,
- (h) Road Transport (Working Time) Regulations 2005,
- (i) Working Time Regulations 1998,
- (j) Agency Workers Regulations 2010,
- (k) Maternity and Parental Leave etc Regulations 1999,
- (l) Trade Secrets (Enforcement etc) Regulations 2018 and
- (m) The Health and Safety (Consultation with Employees) Regulations 1996.”

This amendment would exclude certain legislation which provides for workers' protections from the power to revoke without replacement in subsection (1).

Amendment 22, page 17, line 28, at end insert—

- “(1A) Subsection (1) does not apply to the following instruments—
- (a) The REACH Regulation and the REACH Enforcement Regulations 2008,
- (b) The Conservation of Habitats and Species Regulations 2017,
- (c) The Conservation of Offshore Marine Habitats and Species Regulations 2017,
- (d) The Urban Waste Water Treatment (England and Wales) Regulations 1994,
- (e) The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010,
- (f) The Bathing Waters Regulations 2013,
- (g) Water Environment (Water Framework Directive) (England and Wales) Regulations 2017,
- (h) The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (also known as the Farming Rules for Water),
- (i) The Marine Strategy Regulations 2010,
- (j) The Marine Works (Environmental Impact Assessment) Regulations 2007,
- (k) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017,

- (l) The Plant Protection Products Regulations 1107/2009,
- (m) The Sustainable Use Directive Regulation (EC) 396/2005,
- (n) The National Emission Ceilings Regulations 2018,
- (o) Invasive Alien Species (Enforcement and Permitting) Order (2019)
- (p) Directive 2010/63 on the protection of animals used for scientific purposes,
- (q) Directive 1999/74 laying down minimum standards for the protection of laying hens,
- (r) Regulation 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof, and
- (s) The Welfare of Animals (Transport) (England) Order 2006.”

This amendment would exclude certain legislation which provides for environmental protections from the power to revoke without replacement in subsection (1).

Amendment 25, page 17, line 28, at end insert—

“(1A) Subsection (1) does not apply to the following instruments—

- (a) The Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005,
- (b) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations,
- (c) The Consumer Rights (Payment Surcharges) Regulations 2012,
- (d) The Electrical Equipment (Safety) Regulations 2016,
- (e) The Toys (Safety) Regulations 2011,
- (f) The Control of Asbestos Regulations 2012,
- (g) The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015,
- (h) The Cocoa and Chocolate Products (England) Regulations 2003,
- (i) Commission Regulation (EU) No 748/2012 of 3 August 2012,
- (j) The Representation of the People (England and Wales) Regulations 2001, and
- (k) The Bauer [C-168/18] and Hampshire [C-17/17] judgements.”

This amendment would exclude certain legislation which provides for consumer protections from the power to revoke without replacement in subsection (1).

Amendment 34, page 18, line 12, at end insert—

“(4A) No regulations may be made under this section unless the conditions set out in section [Conditions on the exercise of powers under section 15 and 16] have been complied with.”

This amendment ensures that the powers to revoke or replace would be subject to restrictions as laid out in NC3.

Amendment 23, page 18, line 13, leave out subsections (5) and (6).

This amendment will remove the restriction on the replacement of EU law that states it must not add to the regulatory burden.

Amendment 35, in clause 16, page 19, line 9, at end insert—

“(3) No regulations may be made under this section unless the conditions set out in section [Conditions on the exercise of powers under section 15 and 16] have been complied with.”

This amendment would ensure that the power to update would be subject to the restrictions laid out in NC3.

Amendment 30, in clause 20, page 20, line 38, at end insert—

“(1A) A Minister of the Crown may not include in regulations under this Act any provision which is within the devolved competence of any devolved authority as defined in paragraph 2 of Schedule 2.”

This amendment adds protection for devolved competence, denying any Secretary of State the chance to revoke REUL within devolved competence.

Government amendments 4 and 5.

Government new schedule 1—“Assimilated law”: consequential amendments.

Amendment 31, in schedule 3, page 34, line 38, at end insert—

“Consent of Scottish Ministers

8A Before making regulations to which this Part of this Schedule applies, a Minister of the Crown must obtain the consent of the Scottish Ministers.”

This amendment modifies the powers which are conferred on Ministers of the Crown in devolved areas so that they may only be exercised with the consent of the Scottish Ministers.

Ms Ghani: It is a pleasure to be here, and I thank all Members who have tabled new amendments and new clauses and who will speak in the debate. I also thank the members of the Public Bill Committee for their work.

I will address the Government new clauses and amendments first, but I will say more about them in my closing speech when other Members have had a chance to contribute. I will also address some of the concerns that have been raised, and some of the misinformation about the Bill.

The Government new clauses and amendments are minor and technical. They cover four areas. The first is updating the definition of “assimilated law” and how it should be interpreted, and, in the case law provisions, ensuring that the High Court of Justiciary is covered in all instances. I thank the Scottish Government for their engagement: there has been engagement between our officials and those in the Scottish Government, and with the Advocate General. Our new clauses also clarify the fact that the use of extension power also applies to amendments to retained EU law made between the extension regulations and the sunset, and clarify the application of clause 14 to codification as well as restatement. These are technical drafting measures, and I ask the House to support them.

Let me now explain why the Bill is crucial for the UK. My explanation will directly cover many of the new clauses and amendments. The Bill will end the special status of retained EU law on the UK statute book by the end of 2023. It constitutes a process. Considerable work has been done with officials across Whitehall and with the devolved authorities; that work has been proportionate, and has been taking place for over 18 months. I cannot stress enough the importance of achieving the 2023 deadline. Retained EU law was never intended to sit on the statute book indefinitely. It is constitutionally undesirable, as some domestic laws, including Acts of Parliament, currently remain subordinate to some retained EU law. The continued existence on our statute book of the principle of supremacy of EU law is just not right, as we are a sovereign nation with a sovereign Parliament.

Sir Robert Neill (Bromley and Chislehurst) (Con): We all accept that the status of EU law must change and that it will have to be reassimilated into domestic law in due course. No one argues with that. Will the Minister

not reflect that it is constitutionally unacceptable to create what the Law Society—which might know a little more about the law than politicians and civil servants—described as a “devastating impact” on legal certainty and business confidence? To do so by means of Henry VIII powers so wide that all scrutiny is, in effect, removed from this House is not taking backing control but doing the reverse of what the Government seek to do.

Ms Ghani: I always respect my hon. Friend’s opinion, but he is fundamentally mistaken. We have undertaken a considerable amount of consultation with our courts and have worked with them consistently. It is absolutely right that we deliver Brexit by ensuring that laws made here are sovereign over EU laws.

Mr Jacob Rees-Mogg (North East Somerset) (Con): My hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) is fundamentally wrong. The Bill is providing legal certainty. Rather than having a flow of EU law interpreted according to EU principle, from now on we will have a single set of laws within this country. That must be certainty rather than otherwise.

Ms Ghani: Having a single set of laws across the UK will provide far more certainty.

Several hon. Members *rose*—

Ms Ghani: Before I take any more interventions, I want to address the point made by my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) about the Henry VIII powers. That is a misrepresentation of what is happening. Each Department will review and then amend, assimilate or revoke EU law. Each Department’s Secretary of State will be responsible for the decisions they take. All the laws are on the dashboard, which will be updated once again, and we will be codifying the retained EU law. In the absence of the application of supremacy, restating a rule in primary legislation could lead to the same policy effect as the rule itself currently has. The Bill just sets out a process to allow each Department to take a decision. Why would we not want to review the EU law that is out there and assess what needs to be assimilated? If we can amend and update it, why would we not do that?

Sir John Hayes (South Holland and The Deepings) (Con): Notwithstanding the charmingly innocent faith in lawyers of my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), the key thing about our decision to leave the European Union is that sovereignty lies in this place and with the people to whom we are accountable. The point about this measure is that it will allow exactly that sovereignty to be exacted in practice with regard to retained EU law.

Ms Ghani: Absolutely. When decisions are taken either to amend or to revoke, the usual channels will be followed in Parliament. Committees will be put in place and decisions will be reviewed the Leaders of both Houses. Decisions can be taken openly and transparently. We also have the dashboard, which will be updated and already has thousands of EU laws on it.

Sammy Wilson (East Antrim) (DUP): The Minister is right that the whole point of Brexit was to take control of our own laws. She is also right that there needs to be a single set of laws across the United Kingdom. But the

Bill makes it clear that we will not have a single set of laws across the United Kingdom, because a wide range of laws in Northern Ireland are exempt from the provisions of the Bill. Furthermore, in future when EU law changes and applies in Northern Ireland, the gap between the laws in the rest of the United Kingdom and Northern Ireland will get ever wider. Does she accept that unless the protocol is dealt with, there is a real danger that Northern Ireland will be treated differently and be constitutionally separated from the United Kingdom?

Ms Ghani: My right hon. Friend raises a very important issue. As it is sensitive, he must allow me a moment to ensure that my response is accurate. The UK Government are committed to ensuring that the necessary legislation is in place to uphold the UK’s international obligations, including the Northern Ireland protocol and the trade and co-operation agreement after the sunset date. The Bill will not alter the rights of EU nations that are protected, or eligible to be protected, by the relevant provisions in the Northern Ireland protocol. The Bill contains provisions that, when exercised appropriately, will ensure the continued implementation of our international obligations, including the Northern Ireland protocol.

It is our preference to resolve the Northern Ireland protocol issue through talks. The Government are engaging in constructive dialogue with the EU to find solutions to these problems. I must put on record that officials have been working with officials in Northern Ireland for the last 18 months. We know how important and sensitive this issue is.

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

Ms Ghani: I will just make a little progress before I take more interventions.

I cannot stress enough the importance of achieving the deadline. The retained EU law was never intended to sit on the statute books indefinitely. On 31 January last year the Government announced plans to bring forward the Bill, which is the culmination of the Government’s work to untangle ourselves from decades of EU membership. It will permit the creation of a more agile, innovative and UK-specific regulatory approach, benefiting people and businesses across the UK.

It is a priority of the Government that the United Kingdom will be the best place to start and grow a business. The Bill contains powers that will allow us to make good on that promise. It will allow outdated and often undemocratic retained EU law to be amended, repealed or replaced more quickly and easily than before. It will remove burdens on business and create a more agile and sustainable legislative framework to boost economic growth.

Sir James Duddridge (Rochford and Southend East) (Con): I am sure that my hon. Friend will remember being on the Back Benches and sitting in statutory instrument Committees in which we had no ability whatsoever to change the legislation going through, because it was driven by the European Union. This is about taking back control by giving democratic authority to this place. Furthermore, on things such as maternity leave, minimum wage, annual leave, product safety and international regulations we are already doing better

[Sir James Duddridge]

than the EU minimum standards. This Government will promise to keep those standards and, in many cases, increase them.

Ms Ghani: My hon. Friend is absolutely right. There has been a lot of misinformation about the environment. The Department for Environment, Food and Rural Affairs has committed to maintain or enhance standards. He is right that we had very little say over positions taken in Brussels, but now, in the Bill, those decisions are taken by the devolved authorities. That will remain devolved and they will have a say, so why would they want to give away that power?

Ian Blackford (Ross, Skye and Lochaber) (SNP): The Minister spoke of taking back control, but the harsh reality is that the Government are taking back control from the Scottish Parliament. Yesterday we heard about the UK Government enacting section 35 to strike out a Bill of the Scottish Parliament. The Scotland Act 2016 contains the Sewel convention, which requires the UK Government to obtain the consent of the Scottish Parliament when they are acting in devolved matters. The Scottish Government are not giving their consent. What is good for the goose is good for the gander. Why should the Scottish Government not have the right to veto this Bill, which tramples over devolution and our laws in a way that we do not consent to?

Mr Deputy Speaker (Sir Roger Gale): Order. Could I gently say to the Minister that in order to facilitate *Hansard* and hon. Members seeking to hear, it would be helpful if she could address the microphone rather than the Back Benches?

Ms Ghani: My apologies, Mr Deputy Speaker.

The question is, why would the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) not take the power that the Scottish Government will be given through this Bill when it comes to devolved matters, to look at the EU laws and see whether they want to maintain them or enhance them for their own people? Why would they want to reject the power that they have been offered through this Bill? We remain fully committed to the Sewel convention. It is an essential element of the devolution settlement. The UK Government continue to seek legislative consent for Bills that interact with devolution. The right hon. Member's argument does not make any sense. My worry is that Scottish Government do not want the powers because then they will have to exercise them. I know it is a little bit of work, but it is worth doing.

This Bill provides the opportunity to improve the competitiveness of the UK economy while maintaining high standards. It will ensure that the Government can more easily amend, revoke or replace retained EU law, so that the Government can create legislation that better suits the UK. This programme of reform must be done. The people of the UK did not vote for Brexit with the expectation that nearly a decade later, politicians in Westminster would continually rehash old and settled arguments, as those on the Opposition Benches so love to do. We must push on and seize the opportunities that Brexit provides. That will ensure that our economy is dynamic and agile and can support advances in technology and science.

Geraint Davies (Swansea West) (Lab/Co-op): On agility, the Minister will know that the majority of the thousands of rules that need to be changed are in the environmental area. Does she think it is a good idea that civil servants are completely distracted and focused on the changes to these rules when we have one in four people in food poverty, 63,000 people dying a year due to poor air quality, sewage pouring into our seas and crabs dying off the north-east coast? Would it not be better if the civil servants and the Government tackled those problems rather than going down a rabbit hole and inventing worse standards than the EU, such as trying to get to World Health Organisation air quality standards by 2040, which the EU is trying to get to by 2030?

Ms Ghani: I think many people coming into the debate today think that this is the start of something, but this process has been in place for more than 18 months, and DEFRA has committed to maintain or enhance standards. The constant misinformation given out over what is happening on the environment is simply incorrect. DEFRA has already taken decisive action to reform areas of retained EU law and it already has flagship legislation on our statute book, including the Environment Act 2021, the Fisheries Act 2020 and the Agriculture Act 2020, all on powers that the SNP wants to give back to Brussels. The Environment Act strengthens our environmental protections while respecting our international obligations. It is simply incorrect to suggest that the Government will be weakening any of those protections. The Environment Act has set new legally binding targets, including to halt and reverse nature's decline. Those targets, with oversight from the Office for Environmental Protection, will ensure that any reform to retained EU law delivers positive environmental outcomes. DEFRA will also conduct proportionate analysis of the expected impacts, so it is absolutely incorrect to misrepresent this Bill.

Stella Creasy (Walthamstow) (Lab/Co-op): The hon. Member for Rochford and Southend East (Sir James Duddridge) talked about statutory instrument Committees. I think all of us have sat on statutory instrument Committees, where we know that it is a question of like it or lump it when it comes to what is being proposed. Under this Bill, Ministers will have powers over key issues that our constituents care about. The Minister talks about the dashboard and admits that it still needs to be updated. As a matter of good democratic practice, will she give us, here and now, today, the exact number of laws covered by this Bill, so Members of this House can at least have some sense of the task that they are voting for? If she cannot tell us how many laws are covered, it is definitely not clear to us how any of us can influence them.

Ms Ghani: The hon. Member was very astute in Committee, and we spent many hours together discussing this. The dashboard is public. It has had more than 100,000 views to date. I was on it only last night. It has thousands of laws on it, and it will be updated again this month. There is a process within each Department, which is why a unit has been established to work with each Department across Whitehall. Every EU law that is identified will be put on the dashboard. So it is public, it is accessible, and all the information is out there.

I must just respond to another point that the hon. Member raised, once again, about scrutiny in this place, because it is being misrepresented—[*Interruption.*]

Unfortunately, it is. The Bill will follow the usual channels for when laws are being either amended or revoked. The Leaders of the two Houses will meet and the business managers will take a decision. The Delegated Powers and Regulatory Reform Committee in the House of Lords has already said that it is comfortable with the way the Bill will progress and the laws will be scrutinised, and the European Statutory Instruments Committee has said that it is comfortable with the way the laws will be scrutinised and assessed. So there is a process in place, as there was for a no-deal Brexit. The crunch is: if you do not like Brexit and if you did not like the way the Brexit vote that took place, you are not going to like any elements of this Bill.

Saqib Bhatti (Meriden) (Con): Just before that intervention, the Minister was talking about the environment. Is it not the case that Members on this side of the House have delivered the Environment Act, that we are perfectly capable of making our own laws and delivering for the British people and that we do not need guidance from the European Union, unlike those on the Opposition Benches?

Ms Ghani: Absolutely. We on this side of the House have done a tremendous amount of work that did not require us to be directed by bureaucrats in Brussels. This gives me a great opportunity to point out all the fantastic work that we have achieved.

First of all, I must just say again that we will be maintaining and enhancing environmental standards. I want to touch on a list of things that we have achieved, especially on animal welfare, which has been a huge priority for Government Members. We have had the Animal Welfare (Sentencing) Act 2021 and the Animal Welfare (Sentience) Act 2022. Since 2010, we have had new regulations on minimum standards for meat and chickens, banned the use of conventional battery cages for laying hens, made CCTV mandatory in slaughterhouses in England, made microchipping mandatory for dogs in 2015, modernised our licensing system for a range of activities such as dog breeding and pet sales, protected service animals via Finn's law, banned the commercial third-party sale of puppies and kittens via Lucy's law, passed the Wild Animals in Circuses Act 2019 and led work to implement humane trapping standards. Our Animal Welfare (Kept Animals) Bill will further the rights of animals outside the EU, including the banning of export of live animals for slaughter and fattening. It is remarkable how much we can achieve when we are left to our own devices.

Caroline Lucas *rose—*

Hilary Benn (Leeds Central) (Lab) *rose—*

Ms Ghani: I will just make a little bit of progress.

As I have said, the sunset clause is necessary and is the quickest and most effective way to pursue retained EU law reform. It is only right to set the sunset and the revocation of inherited EU laws as the default position. It ensures that we are proactively choosing to preserve EU laws only when they are in the best interests of the UK. It ensures that outdated and unneeded laws are quickly and easily repealed. It will also give the Government a clear timeline in which to finish the most important tasks. Some retained EU laws are legally inoperable, and removing them from the statute book easily is good

democratic governance. Requiring the Government to undergo complex and unnecessary parliamentary processes to remove retained EU law that is no longer necessary or operable, and can more easily be removed, is not good governance.

Mike Amesbury (Weaver Vale) (Lab): Surely parliamentary sovereignty is giving Members of Parliament control, not the Executive or bureaucrats in Whitehall.

1.45 pm

Ms Ghani: The reality is that Ministers take decisions all the time, and there is a process in place where laws are amended or updated if there is a significant policy change. The same policy process will be in place. If the hon. Member is not comfortable with Conservative Ministers taking those decisions or with the SI process that is already in place, fundamentally he is just not comfortable with the decisions we are taking because we are taking these rules from Europe and placing them here on our UK statute book. That is a different argument altogether.

Vicky Ford (Chelmsford) (Con): I want to react to what I think I heard the Minister saying when she suggested that those of us who did not support Brexit in the referendum would not support this Bill. That is not the case. As someone who did not vote for Brexit but who absolutely recognises that democratic choice and respects the referendum, I do support the premise of the Bill. We need to look at the EU law, although there are elements of the Bill we could improve on to give some certainty, and I hope that I will be called to speak later.

Ms Ghani: I would not want to misrepresent my right hon. Friend's position. The point I was making was that Opposition Members who have complained about the Bill have a particular position that has been long held because of the outcome of the vote that took place.

We believe it is right that the public should know how much legislation there is derived from the EU, and know about the progress the Government are making. For that reason, we have published a public dashboard—perhaps colleagues would like to go on to the site for a moment—containing a list of UK Government retained EU law. The site will also document the Government's progress on reforming retained EU law and will be updated regularly to reflect plans and actions taken. It will be updated again this month. I was slightly inaccurate earlier: there have in fact been 148,727 visitors to that site. It is not as if people are in the dark. There are many opportunities to be aware of what we are doing.

Caroline Lucas *rose—*

Ms Ghani: I will give way to the hon. Lady because she has been so patient.

Caroline Lucas: I am grateful to the Minister for finally giving way. She is suggesting that those of us who oppose the Bill are opposing it for some kind of ideological reason. I draw her attention to the words of the chair of the Office for Environmental Protection, who herself said:

“Worryingly, the Bill does not offer any safety net, there is no requirement to maintain existing levels of environmental protection”.

[Caroline Lucas]

Not only that, there is actually a requirement not to go on and make the legislation stronger. That is written into the Bill.

On the issue of certainty, I do not know how the Minister can stand there and pretend that this is about certainty when businesses have no idea which laws will be in or out and when she does not know how many laws are on her dashboard.

On democracy, when we were in the European Union we at least had Members of the European Parliament who had a say over these things. When the laws come back here, we have no say over them at all; it is all with Ministers. Is that what she means when she says this is supposed to be a good Bill that is full of opportunities from Brexit?

Ms Ghani: The hon. Lady has got the meme for her Facebook page. Unfortunately, she wholly misrepresents what the Bill is doing. Environmental standards will be maintained or enhanced. At the moment, the laws that come down from Brussels on the environment and land cover everything from the Arctic to the Mediterranean. This Bill is a great opportunity to maintain, to enhance and to review what more we can do to make things better for our environment across the UK. We already have flagship legislation in place: the Environment Act 2021, the Fisheries Act 2020 and the Agriculture Act 2020. The Office for Environmental Protection has been fully established to enforce those elevated environmental rules and standards. The water framework directive covers our water. Instead of misrepresenting what the Bill does, why not take the opportunity to ensure that we enhance provision for what we are not maintaining?

Alexander Stafford (Rother Valley) (Con): Listening to the Opposition, we might think that the EU is the land of milk and honey when it comes to the environment. This is the same EU that put fossil fuels and gas in last year's green taxonomy. Getting out of the EU allows us to have our own taxonomies and to make far greener efforts than naming gas as a green technology, which it is not.

Ms Ghani: We can make sure that we have a better focus on renewables, and we can take the decisions that work best for our communities. Fundamentally, we are maintaining and enhancing. We must not forget that the Department for Environment, Food and Rural Affairs has been able to introduce substantial law on water, animals and land. I have covered the dashboard, and I assume colleagues will now be pouncing on it.

Departments have been actively working on their retained EU law reform plans for well over 18 months to ensure that appropriate action is taken before the sunset date. Additional work to lift obsolete laws will inevitably be slow, but that work will continue. We cannot allow the reform of retained EU law to remain merely a possibility. The sunset provision guarantees that retained EU law will not become an ageing relic dragging down the UK. It incentivises the genuine review and reform of retained EU law in a way that works best for the UK. What reforms are desirable will differ from policy area to policy area.

As my hon. Friend the Member for Watford (Dean Russell), the then Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy, said

on Second Reading, the environment is one of the Government's top priorities. We will ensure that environmental law works for the UK and improves our environmental outcomes. As I said, we will be maintaining and enhancing. The Bill does not change the Environment Act, and we remain committed to delivering our legally binding target to halt nature's decline by 2030.

Fleur Anderson (Putney) (Lab): Many constituents have been in touch with me with their concerns about habitat protection, maternity leave protection and other issues. The National Archives says that 1,300 additional pieces of legislation are not necessarily in scope. Can the Minister give more clarity on how many pieces of legislation this Bill will cover?

Ms Ghani: We are working across Departments to cover laws that will either be assimilated, amended or revoked. We are finding that a number of those laws are obsolete, and the fact we are still identifying them is good. We are putting them on the dashboard as soon as we can, and we will update the dashboard again this month. It is right that we conduct this exercise to know where we are and to ensure that we refer to UK law where we assimilate, and that we amend it to improve the situation for our communities and businesses. If the laws are not operable in the UK, we can revoke them.

The hon. Lady mentioned maternity rights, which is one of the unfortunate misinformation campaigns on this Bill. I struggle with the fact that colleagues are sharing misinformation, as people who may be vulnerable are made more vulnerable by such misinformation. The UK has one of the best workers' rights records in the world, and our high standards were never dependent on our membership of the EU.

Indeed, the UK provides far stronger protections for workers than are required by EU law. For example, UK workers are entitled to 5.6 weeks of annual leave compared with the EU requirement of four weeks—we are doing better here. We provide a year of maternity leave, with the option to convert it to shared parental leave. The EU requirement for maternity leave is just 14 weeks—we are doing better here. The right to flexible working for all employees was introduced in the UK in the early 2000s, whereas the EU agreed its rules only recently and offers the right only to parents and carers—we are doing better here. The UK introduced two weeks' paid paternity leave back in 2003. Who can remember then? The EU legislated for this only recently—once again, we are doing better here. I ask Members please not to hold up Brussels as a bastion of virtue, as that is most definitely not the case.

Stella Creasy: Will the Minister give way?

Ms Ghani: I will make a little progress.

Significant reform will be needed in other areas, which is why the powers in the Bill are necessary. The people of the UK expect and deserve positive regulatory reform to boost the economy. Via this Bill, we will deliver reform across more than 300 policy areas. We cannot be beholden to a body of law that grows more obsolete by the day just because some in this House see the EU as the fount of all wisdom.

Robin Millar (Aberconwy) (Con): My hon. Friend is setting out a very powerful case. On the one hand, she is making the case that in Britain we have many laws that

are superior and offer greater benefits and protections to residents, and on the other hand, she is making the self-evident point that we should unshackle ourselves from laws that will become increasingly historical, some of which were assimilated into British statute without scrutiny.

Will the devolved Administrations be able to preserve retained EU law where it relates to devolved areas of competence?

Ms Ghani: My hon. Friend is absolutely right. If the law is already devolved, the devolved Administrations have the ability to assimilate, amend or revoke, which is why some of the interventions from Opposition Members are slightly absurd. Why would they not want the opportunity to have a review? If the devolved Administrations want to assimilate the law, they can. If they want to amend it, they can. If they wish to revoke it, they have that choice. Why would the devolved Administrations not want to embrace the powers this Bill will give them?

Hywel Williams (Arfon) (PC): The Minister talks about the devolved Administrations hanging on to their powers. Will she ensure that the dashboard on retained EU law is updated to identify which legislation is reserved and which is devolved, as well as how legislation in Wales might be affected?

Ms Ghani: Yes. The hon. Gentleman may have missed the earlier part of my speech. Government officials have been working with devolved Administration officials for more than 18 months, and that work will continue. When we discover an EU law, we put it on the dashboard. Of course, there are conversations with officials in the devolved authorities, and it is important that we continue to work closely with them.

I was going to say more about the UK's tremendous work on the environment, because I saw some dreadful, inappropriate coverage in the press, including nonsense about marine habitats. I have just had some information from DEFRA about its fantastic work in Montreal on marine. We have done more work on environmental standards and status outside the EU, including in protected areas such as Dogger Bank, to enhance protection by 2030. We are also integrating our ocean and coastal mapping.

Unfortunately, colleagues who are uncomfortable with the Bill have also peddled misinformation about our water bodies and water standards. There is an assumption that the target is being moved, which is absolutely incorrect. Targets are not being moved. It is incorrect to say that the target for the good state of England's water bodies has been changed—it is still 2027, as outlined in the water framework directive. Hopefully that will cancel out any other misinformation on this stuff being shared on social media sites.

Reform will be needed in other significant areas, which is why the powers in the Bill are necessary. It has been suggested that the Bill will somehow be a bonfire of workers' rights. We are proud of the UK's excellent record on labour standards, and we have one of the best workers' rights records in the world. Our high standards were never dependent on our membership of the EU. Indeed, the UK provides far stronger protections for

workers than are required by EU law. I have already spoken about maternity rights, but we can also look at maternity cover, holiday pay and other rights for employees.

2 pm

Geraint Davies (Swansea West) (Lab/Co-op): On a point of order, Mr Deputy Speaker. I seek your advice because the Environment Secretary testified to the Select Committee on Environment, Food and Rural Affairs that the water framework directive was subject to change, on the advice of the Environment Agency, but now we are being told that it will not be. So who should we believe?

Mr Deputy Speaker (Sir Roger Gale): The hon. Gentleman is well aware that that is not a matter for the Chair. The Minister is responsible for her own words and statements, and she must take responsibility for them. While I am on my feet, let me say that a significant number of Members wish to participate in this debate and a limited time is available. It is clear that the Minister does not intend to give way, having done so several times, and we should progress with the debate.

Ms Ghani: Thank you, Mr Deputy Speaker. To ensure that the devolved Governments are also able to fully seize the benefits of Brexit, we are providing them with the tools to reform the retained EU law that is within their own devolved competence. That will give the devolved Governments greater flexibility to decide how they should regulate those areas currently governed by retained EU law. The majority of the powers in the Bill are conferred on the devolved Governments, which will enable them to take more active decisions about their citizens and their businesses. The devolved Governments will also have the ability to decide which retained EU law they wish to preserve and assimilate, and which they wish to let sunset within their devolved competences.

Since we left the EU, more powers have already been passed on to devolved Administrations, in areas such as farming, fishing and the environment. Under the Bill, these powers can continue to be there. The question is: why would they not enjoy that power to make sure that decisions are taken that best fit their communities? We have carefully considered how this Bill will have an impact on each of the four great nations and we recognise that it is of paramount importance that we continue to work together as one on important issues, including the environment.

As has been mentioned, we accept that some retained EU law in scope of the sunset is required to continue to operate our international obligations, including the trade and co-operation agreement, the withdrawal agreement and the Northern Ireland protocol. Therefore, I am happy to make a commitment here today that the Government will, as a priority, take the action required to ensure that the necessary legislation is in place to uphold the UK's international obligations. In the near future, we will set out where retained EU law is required. Obviously, as well as sharing things on the dashboard, we are working closely with officials in Northern Ireland.

One amendment relates to carving out devolved nations. This Bill must and should apply to all nations of the UK. The territorial scope of the Bill is UK-wide and it is therefore constitutionally appropriate that the sunset

[Ms Ghani]

applies across all four sovereign nations of the UK. One of the Bill's primary objectives is to end retained EU law as a legal category across the UK. Providing a carve-out for legislation that is within a devolved competence would severely impact the coherence of the UK statute book and legal certainty for our public and businesses.

I also commend my Cabinet colleagues who are already making gallant efforts to establish ambitious reform plans that will help to drive growth. We are already in the process of removing outdated retained EU law in financial services, through the Financial Services and Markets Bill, and we have already repealed other outdated rules, enabling us to capitalise on tax freedoms. For example, the Government have ended the tampon tax by removing VAT on women's sanitary products. We have also been able to embrace other opportunities, such as on vaccines, freeports, gene editing, free trade agreements, EU budget payments, immigration control, fishing and even foreign policy on Ukraine. Outside the EU's unwritten rules on solidarity in foreign policy, we were the first to send arms to defend Ukraine, ignoring German bans on such equipment. That is unlikely to have happened when we were in the EU.

Patrick Grady (Glasgow North) (SNP) *rose*—

Ms Ghani: I will finish this point and then I will take some interventions. We also now have AUKUS, where we have signed a nuclear submarine deal with Australia, in opposition to France; we have new agricultural support schemes; and—this is one of my favourites—no MEPs means more democracy here.

Anna Firth (Southend West) (Con): The Minister is making an excellent speech. Does she agree that stagnant EU laws are hindering economic growth in the UK and that this Bill will enable us to protect and enhance our important fishing industry, particularly our famous cockle industry in Leigh-on-Sea?

Ms Ghani: It will indeed help the cockle industry. The Department for Environment, Food and Rural Affairs has said that it will be maintaining and enhancing when it comes to the environment, including our waters. My hon. Friend is absolutely right; this is just an enabling Bill. It is a process to enable Departments to review EU law to see what we can do to ensure that regulation best suits us here in the UK and that we are nimble for the sectors we want to promote. Some of the sectors we want to work fast and hard in are incredibly progressive and modern, and we cannot have law that is made for a much larger group of nations overseeing us here in the UK.

Patrick Grady: Is that not precisely the point: any Department, at any time, that identifies areas of retained EU law that it thinks need to be reformed can bring forward primary legislation—that is the point of parliamentary sovereignty—so that it can be properly scrutinised in this place? The Minister does not need the powers in this Bill. This House already has those powers—I thought that that was supposed to be the point of parliamentary sovereignty.

Ms Ghani: I am afraid that the hon. Gentleman fundamentally misunderstands the Bill. Many items of law will be assimilated. The idea that we will debate every single one on the Floor of the House is slightly absurd. The idea that we will be debating laws that are now obsolete is absurd. We will use the same process as we did for the no-deal Brexit; the usual programme of work will take place.

The powers in the Bill will allow us to overhaul regulation where it is not fit for purpose and move us away from the EU body of law. However, once powers have been used to replace the retained EU law or assimilated law with ordinary domestic legislation, they cannot be used in respect of that legislation again. This is a far cry from the Executive power grab of which we have been accused.

Andrew Jones (Harrogate and Knaresborough) (Con): I chair the European Statutory Instruments Committee, which has been mentioned in this House already. We provide the sifting process, ensuring that there is parliamentary oversight as we review Brexit legislation. Does the Minister agree that comments that there is no parliamentary oversight are plain wrong and that attacks from the Labour party, when it does not even take its Committee places, are entirely—[*Interruption.*] Does she agree that those attacks are extremely hollow?

Ms Ghani: They are not just hollow, but simply inaccurate. My hon. Friend has mentioned his European Statutory Instruments Committee, but we also have the Delegated Powers and Regulatory Reform Committee; the usual channels, which are managed by our business managers; and Leaders of the House in both Houses. So it is not as though there is not ample opportunity to consult.

Once again, let me say that I know people are amused by the dashboard, but it is there and people who are interested can log on, and it will indeed be updated. Without this Bill, legislation that flowed on to the statute book directly from the EU into 300 different policy areas would, in many cases, have to be replaced via primary legislation. That would take decades to amend and this would mean a marked reduction in our ability to regulate in an adequate and timely manner. Without the powers in the Bill, the UK will remain at a competitive disadvantage. It would be economically irresponsible to leave this body of law unchanged, as the Opposition would wish us to do. As I have set out today, this Bill is of vital importance to the future of the UK. As I am sure colleagues will recognise, the reform of retained EU law must be completed without delay. I look forward to the remainder of the debate.

Justin Madders (Ellesmere Port and Neston) (Lab): I am grateful for the opportunity to rise to speak in support of the amendments that appear in my name and those of my right hon. and hon. Friends. Our amendments, even if they are all accepted, cannot completely cure this fundamentally defective Bill, but we will see where we go with that. Let me add my appreciation, as the Minister did, to those on the Committee for their efforts in scrutinising this Bill and to the Clerks for assisting us in doing that.

First, turning to amendment 18, I have yet to hear any rational justification for the deadline of 31 December 2023 for the jettisoning of all EU regulations. We are

told that it is an imperative that we free ourselves of the shackles of these regulations by that date and that we must hurry along and free ourselves of the 2,400 or 3,800 regulations—or however many it turns out to be—that are holding us back.

I understand the importance of having a target to work to, but the date has been plucked out of thin air, seemingly at random, and we should not accept it unless a compelling and rational argument is put forward, especially, as I shall go on to explain, as it carries far greater risks than benefits. We were told by the Minister at the Committee stage that, in essence, the cliff edge is being used as some sort of management tool to ensure that civil servants remain focused and can deliver the work necessary to clear the statute books of all this legislation. What a sad state of affairs it is that the only way that the Government think they can get officials to function properly is to legislate for them to do so. Imagine if we got ourselves into a position where every time the Government wanted the civil service to work to a deadline we had to put it in a Bill. It is an explanation that is as threadbare as the impact assessment that accompanies the Bill.

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): As we have heard, the vast majority of policy, from use of harmful pesticides to air quality, that will be impacted by the changes brought through this Bill is with the Department for Environment, Food and Rural Affairs. Does the shadow Minister share my concern that, even if the timeline were extended, that is a lot of work for one Department and its officials to make sure they are getting right so quickly?

Justin Madders: I will go on to explain why that deadline is inappropriate and, indeed, impractical.

The Government are using the Bill as a motivational tool. That message has not got through to DEFRA, which, as we know, is considered to be the Department with the most regulations, although, of course, until we see a definitive list, we cannot know that for sure. At the moment, according to the Secretary of State, there are probably about 1,100 regulations in DEFRA that are subject to the sunset. I will not get into whether the word “about” is good enough in this context, but the number of civil servants that we have been told are working on this in that Department is three. It is no good this Bill being used as a way of focusing Departments’ minds if they do not have the resources to do the job properly in the first place.

This is a serious issue. The House of Lords Common Frameworks Scrutiny Committee even complained about a lack of engagement from that Department after not receiving a response from it to five separate letters. We know from a written ministerial answer that the Department itself does not know how much the exercise will cost or how many staff it will need. If the deadline is meant to focus attention, it has not succeeded in doing so yet.

Alexander Stafford: I am listening carefully to the hon. Member’s speech, especially about the timeline. My question is this: when does he want this to end. My constituents in Rother Valley voted in 2016 to leave the EU—lock, stock—not to wait. Even now, I would want to bring the deadline forward, because we should have left fully years ago. When do the Opposition and those

who want to stifle our leaving want us to leave—2024, 2025, 2026 or never? I want to leave fully and utterly now.

Justin Madders: If people are going to intervene, they should read the Bill and the amendments, because they would see our suggestion for a deadline. Of course, as everyone else in this Chamber seems to know, we have already left the EU, so this is not about leaving the EU, but about the remaining laws.

The Regulatory Policy Committee has said that setting a deadline is not enough and that a stronger argument is needed for choosing that particular date, and we agree. What is far more convincing than the arbitrary date that we are presented with are the warnings that we have received that there is not sufficient capacity in the civil service for a genuinely effective appraisal of the regulations that the Bill seeks to remove in the timescale allowed. The case for the cliff edge is incredibly weak. The arguments for removing it and putting it on a more realistic footing are much stronger.

The potential for things to be missed is clear. If worse comes to worst and some vital regulation ceases to be law by accident and nobody notices until it is too late, our constituents will rightly ask us, “What on earth were you doing? What were you thinking of?” No wonder the impact assessment on the Bill is silent on the issue of the sunset date.

The Regulatory Policy Committee has made it clear that it believes that the analysis of that sunset date is inadequate. This is a deadline in search of a headline. Presumably, that headline will be, “Free at last”. I would suggest that a more apposite headline might be, “The sun has set on your employment rights, your consumer rights and your environmental protections.” Indeed, the sun has set on parliamentary democracy.

Overall, the Regulatory Policy Committee puts a red rating on the impact assessment of the Bill as not fit for purpose, yet here we are, ploughing on as if it will be all right on the night.

Mr Rees-Mogg *rose*—

Justin Madders: I will give way to the architect of the Bill.

Mr Rees-Mogg: Surely the hon. Gentleman is aware that our first legislation on consumer rights was in 1893, some time before the European Union, and that the Act giving paid holidays was 1938, again before the European Union. We have never needed the European Union for worker and consumer rights.

Justin Madders: I am sure that those were the glory years—the right hon. Member’s favourite period of time. This is about protecting the rights that we have, and this Bill allows those rights to fall by default if no action is taken. That is why we are so concerned about the Bill.

2.15 pm

Stella Creasy: I think everybody agrees that, as we have left the European Union, we need to look at the foundation of the laws that we have in this country. One challenge of this legislation is that, because we do not know precisely what laws are covered, we do not know the laws that we need to look at. Does my hon. Friend

[Stella Creasy]

agree that people are concerned not because the law says “Europe” on it, but because it is about things such as maternity rights and employment rights? *[Interruption.]* The Minister is chuntering from a sedentary position. She needs to talk to her colleagues who, when we have asked about these explicit regulations and whether they are going to retain, replace or revoke them, have said that they do not know. They do know on other legislation. Does he agree that, if Ministers have made up their minds on some things but not others, they should be honest with the British public that they are asking us to give them the power to make that decision and take it away from this place? That is not taking back control.

Justin Madders: I am grateful for that intervention. That is exactly the problem here. If Ministers decide to remove laws, there will be no opportunity for us to challenge it, which is why we are concerned. The Minister told us in Committee that the sunset date was chosen because it is the quickest and most efficient way to enact retained EU law without taking up additional parliamentary time—so the Government are doing us all a favour by giving us less work to do.

In this context I refer to the written evidence of the Bar Council, which raised the alarm when it said:

“The setting of an arbitrary, and in all the circumstances, impractical sunset date, with the consequent and entirely unnecessary risk of the disappearance of rules of critical importance to businesses, consumers, employees and the environment (some of which, due to their sheer numbers, may only be missed once lost) without adequate consideration or any consultation, and conferring an entirely unfettered and unscrutinised discretion to Ministers to disapply or delay the sunset provision or not; as well as the attendant risk of rushed replacement legislation”.

That sums up exactly why we should be voting against the Bill.

Colum Eastwood (Foyle) (SDLP): When it comes to workers’ rights or environmental protections, does the shadow Minister suspect, as I do, that this is a Government determined to throw people’s rights on to the Brexit bonfire? If this is the future of the United Kingdom, is it any wonder that more and more people in the north of Ireland are looking forward to being part of a progressive new and united Ireland?

Justin Madders: That probably takes us slightly away from the thrust of the Bill. But what is this Government’s record on employment rights? They doubled the time to be able to qualify to claim unfair dismissal, taking millions of people out of being able to claim that right. They slashed the consultation periods for people on redundancy. They introduced employment tribunal fees. Their record on employment protection is not a good one. There is a whole back catalogue of Ministers and Cabinet Ministers saying why they want to get rid of these burdensome employment rights. We are right to be worried about where this is all heading.

Caroline Lucas: The hon. Member is being generous and making a powerful case. Does he share my concern that, for all the rhetoric and green wash coming from the Government when they say that this is about keeping high standards, that is completely undermined by a clear clause in the Bill that states that, while Members can replace laws with alternative provisions, those cannot

“increase the regulatory burden”. That is clear—it is in black and white. The Bill is an absolute ideological attack on safety and on environmental standards—on the things that keep us safe and our planet safe as well.

Justin Madders: The hon. Member is right. I shall come back to that in a little while.

Sir John Hayes (South Holland and The Deepings) (Con): In essence, when we took back control through the referendum decision in 2016, it was not to a particular party or even to a particular Government: it was to the British people and their sovereign Parliament. I find it inconceivable and rather disappointing that the hon. Gentleman does not have the confidence that this Parliament will do the right thing in a range of legislative areas.

Justin Madders: I am afraid the right hon. Gentleman does not understand what the Bill does. It hands the power to Ministers, not to Parliament—that is why we are so concerned about it. Taking back control was about this Parliament, not giving power to Ministers.

I turn back to the Bar Council’s clear warnings. It is not some sort of anarchist organisation, it is not part of an anti-growth coalition—it is the Bar Council, for goodness’ sake. Anyone who is concerned about parliamentary scrutiny and accountability and who wants to make this country work should listen carefully to what the Bar Council says and its warnings about why the Bill is inappropriate.

The sunset clause is interrelated with the question of Ministers’ powers and the ability of Parliament to effectively scrutinise changes. I do not want to be faced later this year with having to make a choice between a reduction in the number of days’ paid holiday that people are entitled to and their having no rights at all—and that is a choice that this Bill could force upon us, if we are pushed up to the precipice due to timescale.

Abena Oppong-Asare (Erith and Thamesmead) (Lab): Following the Bar Council’s recommendations and concerns about protections, I put on record that I have been contacted by a large number of constituents who are concerned about the protection of their rights as workers, which they fought hard for, and their rights as consumers. Furthermore, they want hon. Members, particularly the Minister, to know that they are concerned that no scrutiny will take place on this. Does my hon. Friend agree that, based on this Government’s record, there is no way they will maintain the high standards that our constituents expect or ensure that this Bill adequately represents our constituents?

Justin Madders: My hon. Friend articulates well why her constituents and indeed many people across all sectors of society are concerned about the impact of the Bill. It is not about Parliament taking back control. The Delegated Powers and Regulatory Reform Committee has said that the

“abuse of delegated powers is in effect an abuse of Parliament and an abuse of democracy”.

As the former Secretary of State, the right hon. Member for North East Somerset (Mr Rees-Mogg) is here, I will quote his response, when he was Leader of the House, to the Committee’s report on the frequent use of skeleton Bills. He said that it did not necessarily provide

“a model example of how Parliament would like to see legislation brought forward.”,

and that he would be encouraging Secretaries of State “to minimise the use of delegated powers where possible.”

For once, I agree with him; I am sorry he does not agree with himself any more.

Richard Graham (Gloucester) (Con): The shadow Minister has implied that the whole country is very concerned about what is going to happen to the current bulk of EU retained law, but he would have heard the Minister saying that all those laws that come under DEFRA—as he knows, that is probably three quarters of the total EU retained law—will be either retained or improved. Now that the Environment Act 2021 brings them under the remit of the Office for Environmental Protection, the watchdog that is there to make sure that they are enhanced, surely he will accept that that gives huge numbers of people and organisations, particularly in the environmental sector, a lot of reassurance.

Justin Madders: I think we would be reassured if that was what the Bill did, but the Bill does not give Ministers the power to improve the situation: specifically, as we have heard, it prevents burdens from being increased so—

Geraint Davies: Does my hon. Friend agree that, over the 47 years of our membership, we evolved thousands of rules with the EU, that the choice for Ministers in DEFRA and elsewhere will be whether to assimilate, revoke or amend those rules, and that, if they do not have time to go through them all, the rules will simply fall out of bed? The real risk is that employment, environmental and other rights will simply—perhaps accidentally—disappear. Does he therefore agree that this sunset clause is completely ridiculous?

Justin Madders: That is a very good point. If the Government cannot even tell us how many rules are covered by this Bill, how can we be confident that things will not be missed? The 2023 date is a deadline in search of a headline; it is not a serious proposition or the action of a responsible Government, and it should be rejected.

The cliff edge is even more absurd when we consider that the Government do not know what rules will be covered by this Bill. I am glad to see the hon. Member for Watford (Dean Russell) in his place; when he was on the Front Bench, he told us, in answer to a written question:

“The dashboard presents an authoritative, not comprehensive, catalogue of REUL.”

He told us in response to a written question on 21 October: “we anticipate over 100 additional pieces of legislation will be added to the REUL dashboard”.

As we know now, that 100 is probably more like 1,400, so we cannot accuse him of over-promising and under-delivering. He also told us:

“Government officials are currently working to quality assure this data and any amendments to the data will be reflected in an update of the dashboard this Autumn.”

It is 2023 now and, as of midday today, that dashboard had not been updated at all since this Bill was first presented, so it is certainly not comprehensive or authoritative—it is actually not very helpful either. That is undoubtedly not a sound basis on which to be legislating.

Janet Daby (Lewisham East) (Lab): I am sure many of us have received emails from constituents concerned about this process, or rather the lack of process. Thousands of pieces of legislation need to be reviewed and amended. I am sure our constituents would agree that it seems very undemocratic of the Government not to bring that legislation to the Chamber to be scrutinised, as legislation is processed in this place.

Justin Madders: My hon. Friend is right that we must answer to our constituents about what is going to happen with these rules. That is why we have tabled our amendments.

John McDonnell (Hayes and Harlington) (Lab): There is a huge point of principle here, but there are also issues around pragmatic logistics. I can understand some of the frustrations of Conservative Members about delays in implementation since the referendum, but I must remind them that they have been in Government. Privately, I know of no civil servant who has any confidence that the deadline will be met. We now face a strike by 100,000 civil servants. Even the FDA has gone for strike action. The world may have changed since this legislation was first prepared. May I suggest to my Front-Bench colleagues that we assure the Government that there will be an open door for discussion throughout this process when they want to talk about extending the deadline to ensure proper scrutiny of this legislation? I fear that the parliamentary process will break down, poor decisions will be made and we will overburden an administration that already has enough on its plate.

Justin Madders: I am grateful to my right hon. Friend. The deadline was pretty risky to start with, but it now looks completely foolish. That is why we will be moving an amendment later to make sure the deadline is put back three years, to give us confidence that things will be done properly.

Several hon. Members *rose—*

Justin Madders: If you do not mind, Mr Deputy Speaker, I am not going to take any more interventions for a while, because I appreciate a lot of people wish to speak.

Just for a minute, I ask hon. Members to imagine they are a business trying to plan for the next year and having to navigate a dashboard that is not complete, but might be updated at some point. That business is looking at the dashboard just to understand what rules might be changed under the auspices of the Bill, never mind whether they should be changed or whether those changes will affect the business.

If the Government do not even know what the Bill covers, how can they expect anyone looking to invest to do so? That is an absurd way to proceed. No wonder groups as diverse as the TUC and the Institute of Directors oppose this Bill. We do not legislate in this place by website; we legislate by legislation, and the intention of that legislation should be clear.

There is a solution in sight to this rather unsatisfactory state of affairs, in the shape of amendment 36 in the name of my hon. Friend the Member for Walthamstow (Stella Creasy), which would at least enable us to see what laws Ministers want to revoke and allow Parliament—yes, Parliament—to express a view on whether it wishes to see those laws taken off the statute book, in

[Justin Madders]

the true spirit of taking back control. Crucially, the amendment would require Ministers, at least three months before the cliff edge, to set out which laws they intend to revoke.

One would hope that, by September this year, Ministers would have formed a view on which laws they wanted to keep and which they did not. It would be nice if they had done so by then—it would be even nicer if they let Parliament know, and nicer still if they afforded that courtesy to the rest of the country, so that people were able to plan.

We cannot have the Government changing the law on a whim. There must be proper accountability and scrutiny. We cannot have unaccountable Ministers changing the rules without reference to anyone else—that is not what taking back control was supposed to look like. When this Bill was first mooted and Lord Frost was still a Government Minister, he said that the policy intention behind the Bill was

“to amend, replace or repeal all retained EU law that is not right for the UK.”

I think we need something a bit more detailed than a general feeling that something is not right for the UK. This centuries-old Parliament, having taken a historic decision to wrestle back control from those unelected Brussels bureaucrats, finds itself in the ludicrous position of having another unelected person telling us that laws will be changed if they are “not right”. What that phrase gains in brevity it loses in clarity. It can mean absolutely anything, and of course—crucially for this place—it puts all the power in the hands of Ministers. Surely, as a Parliament, we can do better than that; surely we want to hold ourselves to a higher standard when we change legislation. We should not legislate on a whim, and Parliament should not hand powers to Ministers enabling them to do just that. The Regulatory Policy Committee described the Bill’s impact assessment as either “weak” or “very weak” in every aspect, so any Member who is thinking of handing over those powers should, in the light of that warning, think very carefully before doing so.

2.30 pm

I know that many of those who support the Bill do not think that any level of parliamentary scrutiny is necessary to revoke EU laws because—they claim—accountability and scrutiny were lacking in the first place when the laws were brought in. I say to those people that two wrongs do not make a right. Is taking back control not about us, in this Parliament, having a fuller say in the legislative process?

Andrew Jones: It is clearly right to have parliamentary scrutiny of these measures and those that will come as a consequence of this legislation, but why has Labour not filled its places on the European Statutory Instruments Committee? If the hon. Gentleman is so keen to see parliamentary scrutiny, why has his party not taken the opportunity that it has?

Justin Madders: I direct the hon. Gentleman to the Whips Office around the corner. He can have a word with them and see what is going on.

I do not accept the characterisation of how these laws were introduced in the first place. As we know, the vast bulk of EU subordinate legislation was adopted by the member states and the European Parliament, of course, both of which had representatives from the United Kingdom—indeed, our MEPs were democratically elected until 2020—so it is simply wrong to say that politicians, stakeholders and policymakers did not have ample opportunity to exert influence on the development of EU policy and secondary legislation.

In fact, there are many examples of where EU legislation was supported and even promoted by the UK Government of the day. One good example is the social chapter, which the Labour party’s 1997 manifesto pledged to introduce. It included rights on parental leave and working hours. Nobody can say that those rules were forced on us without our consent. Conservative Members may not have liked them—that is clear—but there was a clear democratic pathway to their introduction.

Amendment 36 is about Parliament taking back control, but new clause 2, which is on the amendment paper, goes one step further. It would require Ministers to set out their analysis of the impact of the removal of EU laws and the abolition of the application of EU principles to our laws. As our amendment 26 sets out, there needs to be some recognition that tearing up 50 years of legal development overnight might just create a little bit of uncertainty—as, of course, will revoking thousands of laws. New clause 2 would require some thought to be given to what the impact of all that might be and, crucially, would require it to be shared with everyone else.

We therefore think that it ought to be a matter of agreement among everyone who wants to see democracy prosper that the replacement regulations under the Bill should be made by Parliament after proper consultation, public debate and scrutiny, not simply by ministerial decision—or, as the case may be, by non-decision. All we are asking Ministers to do is to publish their work on how these laws will affect our constituents, which they ought to be doing anyway. Or will we have to wait until the end the year to find that some law that has slipped off the books is causing problems with, for example, the trade and co-operation agreement? Is it not better for us to know about that now? Ministers will know what the issues are, so why do they not share that knowledge with the rest of us? New clause 2 would give Parliament sufficient time to express a view on all that, putting power back into the hands of Parliament, which is what I thought all those who campaigned to leave the EU actually wanted to happen.

Likewise, new clause 3 would create a requirement for there to be genuine consultation if the powers under sections 15 and 16 are to be exercised in revoking, replacing or updating a regulation, and, again, for Parliament to be sighted on that consultation and on the Government’s assessment of the proposed changes. I hope that we are not being too revolutionary by wanting accountability and transparency for Ministers’ actions.

While we are on the regulations, why are we tying Ministers’ hands—we have already touched on this—by insisting that anything that replaces them cannot add to the regulatory burden? Why is the language of rights and protections always expressed as a burden? Of course, the whole thrust of the Bill is to reduce the number of

EU regulations in our system, which in itself will reduce the regulatory burden, but when Ministers are looking to update or replace these rules, why must we insist that they do not add to the burden? What even counts as a burden? I am saddened that Conservative Members think it a burden to ensure that our workplaces are safe and that people are protected against discrimination, and to protect natural habitats.

If it was thought that reviewing the laws on maternity discrimination, for example, was actually a good opportunity to strengthen protections—possibly along the lines of the private Member's Bill of my hon. Friend the Member for Barnsley Central (Dan Jarvis)—this Bill would not allow that. If my hon. Friend's Bill navigates the private Member's Bill lottery, it would extend the time period for protection against unfair redundancy to a six-month period after the return to work from maternity, adoption or shared parental leave. That is, by the way, something that the Government committed to in 2019, but under this Bill they would not be allowed to implement it because it would increase the burden. I am not sure how that circle will be squared, but it illustrates the point that this Bill could prevent the Government from implementing their own policies. Although most of us on the Opposition side would want that to apply to just about everything this Government introduce, when it is confined to things that might actually benefit our constituents, it is a cause for concern.

That brings us neatly to our amendment 20, which deals with workers' rights. The regulations that it lists represent, as far as we can identify, all the major employment rights within the ambit of the Bill—rights that people enjoy every day; rights that nobody voted to squash; rights that those on the Labour Benches will do everything in our power to protect. To protect them and remove any scintilla of doubt, we need to take them outside the scope of the Bill.

I heard what the Minister said about there being no plans to remove those rights, which ought to mean that she has no problem with voting for the amendment. After all, if that is what the Government are going to do anyway, what is there to lose?

Craig Whittaker (Calder Valley) (Con): The hon. Gentleman has already said that the UK's elected processes already had input into EU laws and protections and rights for workers. I will go one step further and say that this country actually led on a lot of those EU rights and protections for workers, so why does he not believe that this place can enhance those rights and protections, driving them forward for workers in this country?

Justin Madders: Well, a Government who have been promising an employment Bill for five years and allowed the scandal of 800 P&O workers being dismissed without any notice are not a Government who can really claim to be on the side of workers. If the hon. Gentleman is genuine about supporting workers' rights, he will support our amendment to ensure that they are protected.

Let us look at some of those rights. The first regulations listed in amendment 20 are the Management of Health and Safety at Work Regulations 1999, which ensure, among other things, that an employer must perform a risk assessment for all workers, and that there must also be a specific risk assessment if an employee becomes

pregnant. I sincerely hope that the requirement to conduct risk assessments to ensure that people work in a safe environment is not something that the Government consider an unnecessary burden. Do we not think that everyone has a right to work in a safe environment, and that employers should take steps to ensure that?

Those regulations ensure that employees have the important right to be consulted on health and safety, and to receive paid time off to carry out health and safety training and other duties. They also have the right to protection from discrimination or victimisation for carrying out health and safety duties. It is just as important as the requirement for a safe working environment that those who put themselves forward as health and safety representatives can do so without fear of reprisal.

In Committee, the Minister talked about modernising health and safety law, which is not, of course, the same as promising to keep those laws. The term "modernising" can mean any number of things—it certainly does not always mean that a law will be improved or a right increased. As we know, the Bill specifically prevents an increase in the regulatory burden. I know that health and safety is often characterised by Conservative Members as a burden. I do not think that; I think it is absolutely essential. If Members agree with me on that, they should vote with us on amendment 20.

On the part-time employee regulations that are included in the amendment, more than twice as many women than men are in part-time employment. Why would we want to open the door to greater discrimination against women by getting rid of protections for part-time workers?

The Maternity and Parental Leave etc. Regulations 1999 protect women who might be pregnant or taking maternity leave from workplace discrimination, ensure that they have the right to return to the same job once they return from maternity leave, and, of course, make it unfair to sack someone because they are pregnant. Surely Conservative Members want to ensure that those regulations are protected under the Bill?

Vicky Ford: The hon. Member is suggesting that this Government want to get rid of a huge number of workers' rights. The Minister wrote to all Members this morning making it clear that the Government have no intention of abandoning workers' rights. Is he suggesting that this Minister is not true to her word?

Justin Madders: If the Minister is true to her word, she will vote with us and make sure that that is exactly what happens. I refer to the impact assessment, which recognises in three separate paragraphs that the Bill contains a threat to equality, so this is not something we are making up out of our own heads; it is something that is there and to be concerned about.

One set of protections definitely in the sights of those who see employment rights as a burden include the working time regulations, the introduction of the right to paid annual leave, limits on weekly working hours and a legal entitlement to daily and weekly rest breaks. They are some of the greatest achievements of the previous Labour Government, and for Members who are not aware, those regulations originated from concern about workers' health and safety and the risks associated with working excessively long hours. I am proud that my party tackled that. Do we want to turn the clock

[Justin Madders]

back to when people worked 70 or 80 hours a week? We know that some on the Government Benches think there is no moral right to annual leave, but on these Benches we could not disagree more. Also included in our amendment are the Transfer of Undertakings (Protection of Employment) Regulations 2006.

Mike Amesbury: I am after my hon. Friend's help on this: was it a figment of my imagination, or did those on the Government Benches drive through a piece of legislation that curtailed the fundamental freedom and right to strike in the past few days? I just seek his help on that.

Justin Madders: Yes, I think that Bill also gives employers the power to sack striking nurses, teachers and doctors. Those are not the actions of a Government who want to protect employment rights.

The amendment includes the 2006 TUPE regulations, which ensure that when one business buys another, there is reasonable certainty about which workers transfer to that new business, so that the purchaser knows which employees it is getting and, critically, workers know that they cannot be dismissed or have their terms and conditions slashed just because they are working for a new employer. Let us make it crystal clear that TUPE will stay. That would ensure protection and certainty for employees, but also certainty for employers. How on earth would someone thinking of buying a business in 2023 know whether to proceed with the purchase if they did not know whether they were obliged to take on the workforce with it? We have a stable, settled, well understood framework of law that helps businesses to operate. Why put that in jeopardy, particularly if, as is claimed, Ministers have no intention of removing it?

To make a general point on employment rights, they are not a burden. They are an essential ingredient of a civilised society. If we want our citizens to play an active role in the country moving forward and in future economic growth, our citizens have to be rewarded fairly and treated fairly. Security and respect at work are the cornerstone of any success we will have as a nation. A secure and happy workforce is a productive workforce. Giving people dignity, certainty and fairness in the workplace is not a burden on businesses; it is what good businesses do, and what good businesses will see the fruits of, if they are allowed to operate on a level playing field.

My constituents will be considerably poorer over the next few years as a result of the economic decisions made by this Government. I do not want them to be poorer in terms of rights, as well. Employment rights ensure that people can participate in the labour market without facing unfair discrimination. They give vulnerable workers more job security and stability of income. They help to encourage a committed workforce and the retention of skilled workers. They are not just about individual dignity and respect in the workplace; they also have social and economic value and are an essential component of a healthy, stable and progressive country.

We need a country where people have the security of knowing that if they do a good job and their employer runs its business well, they will be rewarded properly and be able to stay in work. What we have instead is a culture of disposable commodities and fire and rehire, where loyalty counts for nothing. It is time to draw a

line in the sand and say, "No further." Let us not allow this Bill to open up another line of attack on working people. Let us close it off now once and for all and support amendment 19.

Our amendment 26 also touches on the subject of workers' rights and what the ripping up of 50 years of case law overnight will mean. As Michael Ford KC said:

"Workers and employers will be back at square one. The whole lengthy and expensive process of appeals will have to be repeated."

He even said that lawyers would be dismayed at the prospect of having to do that, and that is a view replicated across just about the entire legal profession. As a lawyer myself, I know how difficult it must be for the legal profession to actively argue against anything that might help generate more fees for them, but they do so because they know that the law hates uncertainty and business hates uncertainty.

Nobody wants to end up in lengthy and costly court battles because the settled law of half a century has disappeared in a puff of smoke. Be in no doubt that that will deter investment, because uncertainty deters investment, but it will also create injustices, because it will be those with the deepest pockets who will be able to litigate the longest. If a worker's circumstances just happen to fall into one of those areas where this artificial vacuum has been created, even if they can afford to fight their case, they could be waiting years for an answer to a question that, until 31 December 2023, everyone knew the answer to.

2.45 pm

Amendment 26 attempts to restore some balance and certainty to the law. It does not impinge on the courts' ability to depart from existing EU law, but it recognises that legal certainty, clarity and predictability are desirable in a healthy and functioning democracy, and that it is Parliament that should determine significant changes to the law.

Amendment 24 relates to a smorgasbord of consumer rights and protections that are derived from the EU, such as the right to compensation when flights are cancelled or delayed or boarding is denied, and giving priority to passengers who have a disability. It also includes laws for similar provisions when a train is delayed or cancelled in the form of the Delay Repay system. I am sure that the Delay Repay websites for Avanti and quite a few other rail operators are getting more visits than the retained EU law dashboard website. There is a problem with the rail system at the moment, but we do not want to see passengers denuded of the right to claim compensation when there are delays.

Other regulations under the amendment include those preventing shops from imposing surcharges that go beyond the coverage of costs; protecting consumers from unsafe electrical equipment by setting standards for the testing of products and the voltages of appliances; and setting minimum safety standards on children's toys. There are many more, and I will not list every regulation, because I do not claim that the list is authoritative or comprehensive, but it is a list of laws that we believe should be kept alongside the similar amendments on workers' rights, and I hope we can protect those, too.

Finally, I will speak briefly about how we are standing up for our environmental protections. My hon. Friend the Member for Leeds North West (Alex Sobel) spoke at length in Committee about this Government's dire approach to environmental laws, and as I have been speaking for some time and other Members want to speak, I will not repeat everything that he said. I certainly do not have the intimate knowledge that he does of white-clawed crayfish, but I will summarise why amendments 21 and 22 and new clause 5 are important for protecting environmental standards.

There is deep concern among many in the environmental movement that in this Government's deregulatory war, our natural environment, among other areas, could become a casualty. There is a worry that some hold the view that environmental protections are red tape that hold back growth. Our amendments and new clause would provide safeguards against dangerous deregulation that could undermine national and international commitments to environmental protection and improvement.

Amendments 21 and 22 list 19 regulations that would be placed beyond the scope of the sunset in clause 1 and the powers of restatement in clause 15. They cover a vast range of important policy areas about which the public feel passionately, including animal welfare, the protection of wildlife, water quality, the treatment and discharge of sewage, the protection of human health from the impacts of air pollution, the safe use of chemicals and pesticides, the use of animals in scientific testing and the prevention of the spread of animal diseases, such as bird flu. While these regulations are some of the most prominent, they represent just a handful of the 1,100-plus environmental regulations that are key to safeguarding our natural environment. Weakening any of them could cause a vast amount of suffering for our communities, and we want to see that prevented.

We have also tabled new clause 5, which would protect our environmental protections from the sweeping powers that the Bill gives Ministers. It would limit the changes that can be made to environmental protections under clause 15 powers. It outlines a number of conditions that would have to be met for changes to be made to the existing set of laws, including that any change must be considered by a relevant national authority to contribute to a significant improvement in environmental protection, which contrasts with the Bill, which at the moment states that any restatement must not increase the regulatory burden. Perhaps we should listen to experts who say that they are concerned about what the Bill could mean for the environment, or the 21 different environmental groups that have signed a joint letter expressing their concern about the impact of this Bill. Even Chester Zoo in my constituency has written in to express its concerns.

Zoos, business leaders, trade unions, lawyers, environmental groups and even former Conservative MEPs have raised the alarm about the impact of this Bill, because it is a leap into the dark, a kamikaze approach to Government and a power grab. If Government Members support this Bill, they will bear the responsibility for its consequences for many years to come.

Several hon. Members *rose*—

Mr Deputy Speaker (Sir Roger Gale): Order. Take out your mental editing pens, ladies and gentlemen, because you are going to have to start cutting your speeches in a big way. We have heard two very lengthy opening statements

and a number of lengthy interventions. There are some 30 Members still wishing to take part and the wind-up speeches will start at 5.30 pm. I am going to call the Chairman of the European Scrutiny Committee and the SNP Front-Bench spokesperson, upon both of whom I would urge brevity, after which I shall impose a six-minute time limit on speeches, which may drop further under Mr Evans later on. I call the Chairman of the Select Committee.

Sir William Cash (Stone) (Con): Having endured the last 40 minutes, I am bound to say, as Chairman of the European Scrutiny Committee, that although I will be relatively brief there are important matters that need to be discussed. I will raise them and give the House the opportunity to reflect on what I have to say.

This Bill was passed by this House without amendment. There were no amendments on Second Reading or in the Public Bill Committee. I have been Chairman of the European Scrutiny Committee for many years, and I have been on this Committee since 1985. I draw the attention of the House to the European Scrutiny Committee report tagged to this debate, published on 21 July last year. As the Minister said, EU retained law was never intended to remain part of our domestic statute book. I am deeply grateful to the Government for today's round robin letter to all Members and to my right hon. Friend the Member for North East Somerset (Mr Rees-Mogg) for his work on the genesis of this Bill.

We left the European Union with section 38 of the European Union (Withdrawal Agreement) Act 2020 guaranteeing UK sovereignty and democracy, and therefore UK democracy itself. It was the culmination of a process that began with my sovereignty amendment to the Single European Act in 1986, which, at that time, I was not even allowed to debate. In turn, that was followed by the Maastricht treaty and a whole series of treaties, enactments and debates on the Nice, Amsterdam and Lisbon treaties.

Incidentally, on the question of maternity pay—the only interesting thing mentioned by the hon. Member for Ellesmere Port and Neston (Justin Madders)—the UK actually has 52 weeks of maternity pay, while the EU has merely eight. On holiday pay, we have six weeks; the EU has four.

The views of the British people, as expressed ultimately in the 2016 referendum, repudiated the idea of our remaining in the EU by democratic vote, and the general election that endorsed that decision, under my right hon. Friend the Member for Uxbridge and South Ruislip (Boris Johnson) as Prime Minister, gave the present Conservative Government a large majority. The democracy that we enjoy is based on our unique and universally envied constitutional arrangements, whereby laws are passed in this House by a simple majority of MPs representing individual constituencies, who derive their authority exclusively from those who voted them into the House of Commons.

Sir John Hayes: This is the essence of the misunderstanding of the hon. Member for Ellesmere Port and Neston. The relationship between the Executive and the legislature is such that the Government receive a mandate from the people, but Ministers are answerable to this House. I am amazed that the hon. Gentleman has not grasped that constitutional fundamental.

Sir William Cash: I am grateful for that intervention, because nothing could have been more obvious than the fact that the hon. Member for Ellesmere Port and Neston, and indeed many Opposition Members, simply do not have a clue about how the operations of the European Union function. I will deal with them in a minute, as the hon. Gentleman will find out—I would be interested if he would like to intervene and repudiate what I am about to say.

The Lords themselves—unelected, of course—are subject to the Parliament Acts, which may well prove necessary in relation to this Bill. This is therefore an issue of democracy.

I have watched and participated in the evolution of change in relation to European matters both in this House and outside, in referendum campaigns and the like, for the best part of 38 years. It is essential for those who are not so well acquainted with the manner in which EU law is made, which became more objectionable as the competencies in each of the treaties expanded, to appreciate just how undemocratic and unaccountable the EU system unequivocally is. I have to say that my own party is responsible for many of the problems that were created, but I am delighted to say that the democratic decisions of the British people have now demonstrated the need for this Bill, along with the fact that we have left the European Union.

The democratic deficit is one of the most important reasons—if not the most important reason—why we had to leave and why the Northern Ireland protocol arrangements and the Northern Ireland Protocol Bill are in need of immediate resolution. That Bill, which has passed all its stages in this House, is now becalmed like the Mary Celeste in the House of Lords, with nobody on board, pending agreement from the European Union to change its mandate and resolve this outrageous democratic deficit immediately.

As Con O'Neill, who negotiated our entry into the European Union, admitted in his 1983 report to Lord Hume—by then, far too late—the Government simply did not understand the undemocratic system that was and remains employed by the European Union. Many people, as is quite obvious from what we have heard in the past 40 minutes, do not have the foggiest idea what that means in practice and the way in which the European Union actually functions.

Mr David Davis (Haltemprice and Howden) (Con): Will my hon. Friend give way?

Sir William Cash: No. In a nutshell, every single law that goes to the Council of Ministers, which is the ultimate law-making body, does so by a majority vote of the 27 member states behind closed doors, without even so much as a transcript and in total secrecy. Indeed, I had an exchange with the noble Lord Clarke of Nottingham on this matter when he was still in this House in 2017. He made it abundantly clear in his response to an intervention that the real legislative power of the Council of Ministers was exercised in private, going on to say,

“I used to find that the best business at the European Council was usually done over lunch”,—[*Official Report*, 14 November 2017; Vol. 631, c. 215.]

which is fundamentally different from the way in which we have legislated since we left the EU and in this actual

debate today. By contrast, we are conducting business today, and taking democratic decisions, by a majority of this House, which is proof in itself that it works.

In practice, in the context of the sunset arrangements in this Bill, clauses 12 to 16 provide delegated powers to restate, revoke and/or replace and update certain retained EU laws, which are secondary retained EU law and a new category of “secondary assimilated law”. Many of these powers are subject to the negative procedure, but the affirmative procedure is required where primary legislation is being amended or substantive policy change implemented. Some primary legislation is in the Bill. Where the negative procedure applies, the scrutiny system is similar to the work done by the European Statutory Instruments Committee, and it will be for the House to decide how that evolves in line with the democratic decision taken by this House today.

When the original proposals for the first withdrawal agreement Act were brought into effect, at my suggestion—I introduced a Bill on the subject—all EU law was then deemed to be UK law. But then remainders got to work and came up with the concept of retained EU law, which asserted the supremacy of the principles of EU law and decisions by the European Court. We may have left the EU, but a massive ball and chain was embedded in that Act preventing us from making our own sovereign laws on our own terms. I add, by way of parenthesis, that the Prime Minister responsible for that Act resigned—thanks to the Spartans.

Those laws had been made under sections 2 and 3 of the European Communities Act 1972. It is certainly true to say that since that date, not one single European law was ever repudiated by this House, because the provisions of that 1972 Act prevented it. We were therefore subjugated to the European Union and decisions of the European Court of Justice by our own irresponsible, voluntary abdication of the inherent and democratic procedures that evolved in this House over the best part of 400 years.

Our entry into the EU in 1972 was therefore a blind step into the void of an undemocratic and unaccountable system of government. These thousands of laws lack inherent democratic legitimacy, and must therefore be removed from and/or replaced on our statute book. The Bill also allows us to move back to the certainty implicit in the UK common-law way of doing things, as compared with the purposive interpretation of law by our judges, as laid down by the principles of EU law. Nobody can dispute that.

3 pm

Wera Hobhouse (Bath) (LD): On a point of order, Mr Deputy Speaker. I have been told many times that when we are on Report, we should not make general speeches but refer to amendments. Can you make a judgment on whether what is being said is appropriate?

Mr Deputy Speaker (Sir Roger Gale): I have already exercised that judgment. If I thought that the hon. Gentleman was out of order, I would have ruled him out of order.

Sir William Cash: Thank you, Mr Deputy Speaker. So much for that.

Our system has relied uniquely on a large bench of high-quality, independent judges, who address points that are brought before them when people or businesses

apply to the courts for remedies for perceived damage or misconduct. Through our traditional decision-making process, which must be interpreted in accordance with what is precisely set out in our sovereign Parliament, the judges must develop what is generally regarded as a fair and equitable system of redress, and set standards of care and determine consequences of breach in matters of responsibility and duty.

We therefore have to strip away vast amounts of inherited EU law, which operates on the constitutional code-based model that is alien to our system, so that we once again have a single common law system in our country—provided, of course, that we have the right people doing it, such as the Brexit opportunities unit, and that the task can be performed smoothly. In addition, economic research shows that this step will considerably enhance the UK growth rate, not by lowering standards but by removing or replacing voluminous, poorly drafted, generalised, purposive EU texts.

If we miss this opportunity, we will have shirked the core and inevitable consequence of the democratic decision that was taken by the people of this country. We must make our own sovereign democratic laws on our own terms, although on occasion, we may well decide to complement laws made in the US, parts of the EU or parts of the Commonwealth. Exchange across different constitutional arrangements sometimes leads to improved ways of doing things and improved laws, which is a good thing.

Ultimately, however, the simple test is what this House decides as the democratic law-making system under which we are governed; what the judges determine in the best tradition of our constitutional arrangements, which have been built up over many centuries; and how they interpret those laws in line with what our sovereign Parliament has decided. The work of the Brexit opportunities unit and of my right hon. Friend the Member for North East Somerset, to whom I pay tribute, as well as the work of my Committee, is absolutely enormous.

The principle of the Bill was agreed on Second Reading and, as I said, in the Public Bill Committee. I pay tribute to the Prime Minister and the Government for listening to the strong advice that I and others have offered. The Bill not only is justified democratically but, as enacted, will continue to be so. The freedoms that it will provide, in creating new opportunities for legislation, competitiveness and innovation, are self-explanatory.

Mr Deputy Speaker: I call the SNP spokesperson.

Alyn Smith (Stirling) (SNP): It is a pleasure to follow the hon. Member for Stone (Sir William Cash). Bluntly, we do not agree on much, but I do not doubt his enthusiasm for the subject. If what he is on comes in powder form, I would be grateful if he could slip me over some wraps—I think I am missing out on quite a journey.

Much as we disagree with the substance and content of the Bill, it is a pleasure to speak in the debate. I pay tribute to my hon. Friend the Member for Argyll and Bute (Brendan O'Hara), who did much of the heavy lifting throughout its earlier stages and who, for his troubles, was rewarded by metamorphosing into our Chief Whip so he cannot be here today. I am pleased to carry on his work. The fact that he has maintained his sunny disposition and sanity during the process is testament

to his fortitude, because when I read the earlier proceedings, I could not help thinking that they were some sort of satirical effort written by Armando Iannucci, Ian Hislop, Paul Foot or—to go back a bit further—Jonathan Swift or Lewis Carroll; I very much enjoyed “Nusrat in Wonderland” during the Minister’s opening speech.

I will focus on our amendments 29, 30, 31 and 33. We will press amendment 28 to a vote, because we believe that it is worth checking the mood of House. I will come on to the detail of that in due course.

I will speak about our philosophy and approach to the Bill, and about its import. I have never been more conscious of the difference in world view between Government Members and my party and country. We did not see the EU as a prison to leave or as undemocratic. EU laws were passed in conjunction with the democratically elected UK Government and democratically elected MEPs in the Council. The hon. Member for Stone talked about the codified basis of EU legislation, and he is right about that in codified jurisdictions, but to enter into the domestic legal framework of these islands, it had to be dealt with via statutory instrument. I really do not think, therefore, that the starting point of the Bill is correct.

I will give our bona fides. SNP Members deeply regret leaving the EU, as does my country, which voted against it. We in Scotland were taken out against our democratic will, so although the hon. Gentleman talks about a democratic deficit, Government Members should worry far more about the democratic deficit in the UK than the one in the EU. I see their smirks, as ever, but it is not just us that they are denigrating—it is the people of Scotland. In the last opinion poll, 72% of the people of Scotland wanted to go back into the European Union. We hear that Brexit has been such a success, but in 2016, the UK economy was 90% the size of the German economy and it is now 70%. If anybody would like to prove me wrong about that, they can try. These are facts.

I accept the democratic mandate that some hon. Members talk about, but in terms of where we are coming from with the Bill, I hope that Government Members respect our pro-EU sentiment, because it is deeply felt. To be clear, this is a matter of deep sadness and anger for us, but I am not interested in fighting old battles. I am interested in fighting future ones, however, and we will have plenty of those.

I say to Government Members: “If you will do this damn silly thing, don’t do it in this damn silly way.” I do not agree with the premise or the intent of this legislation, but it is the content that will quickly come back to haunt the Government, in exactly the same way that many other mistakes that were harrumphed to the rafters in this House came back to haunt the Government who tried to deny that they had anything to do with them.

Robin Millar: The hon. Gentleman makes some interesting and thoughtful points. How, then, did leaving the European Medicines Agency come back to haunt the country, given that we were free to invest in and create a vaccine that has benefited others because we were not part of it?

Alyn Smith: I am glad that the hon. Gentleman has mentioned that often-quoted canard. As a starter, the European Medicines Agency had 700 jobs in London, which were lost. There was also absolutely nothing in

[Alyn Smith]

the UK's response to covid that membership or otherwise of it hindered; it is important to get that point across. It is perfectly legitimate to have wanted to leave the EU or the European Medicines Agency, but let us not claim that successes were predicated on things that they were not.

What I find so objectionable about the Bill is that it is unnecessary. I am really not interested in fighting old battles, but the people who voted leave and wanted to take back control of our laws and so on won—it happened, so get over it! They are not so much bad losers as bad winners. Every single law, regulation or standard, however it was derived through the EU channels over the long history of the UK's involvement in it, is subject to this House and this Government—right now. Any legislative instrument that the UK Government want to amend, repeal or bin is open to that authority in the House right now, so there is a deeply ideological mistake in the Bill that, even at this stage, I urge hon. Members to think hard about.

The fact that we do not know how many legislative instruments will be affected by the scope of this Bill should give a sensible, rational Government pause. I do not dispute the idea that a greater complementarity of the domestic statute book is desirable: I am in favour of the codification of all UK and Scots law. If the UK had a unified *Gesetzbuch* the way the German Government have, we would have a far more logical legislative framework, but we do not need to set arbitrary deadlines that are going to come back to haunt our own officials and Ministers for the artificial black hole that will open up over various Whitehall Departments. That will not give any legislative certainty. It will give the opposite: there will be a chill effect over deeply held rights.

For those who want to take back control, I do not dispute the logic of the idea. If there is a particular legacy piece of EU legislation that is not fit for purpose, it is open to the Government to get rid of it through the normal legislative process, but this Bill is not the normal legislative process. We have heard much about parliamentary scrutiny, but this Bill is a huge blank cheque for here today, gone tomorrow Ministers who have demonstrated throughout the Brexit process a lack of foresight and competence. That is not a sensible thing to do. I appreciate that there is a degree of scrutiny over subordinate legislation, but it is nowhere near as good as the scrutiny of this House, which is why we will support amendment 38, which would make it clear that this House, and not here today, gone tomorrow Ministers, should be in charge of that process.

The idea is that the abolition of laws will lead to some sort of dynamism and freedom, but it will not. It will lead to legislative black holes into which bad actors will expand very quickly. The idea that the UK Government are properly set up to take due account of that, when they cannot even tell us how many instruments are under consideration, should be of concern.

So I do not like this Bill, and I really fear that the Government are making problems for themselves, because this legislation is neither rational, proportionate nor pragmatic. The idea that particular domestic provisions—they are all domestic provisions now; they have all been incorporated into domestic UK law—should, because of their origin rather than their content, somehow lapse is an utterly flawed premise.

Sir William Cash: I jib very strongly at the suggestion of avoiding the procedures whereby these laws were made. It is not just a question of their origin, because it is the EU and some people do not like it very much. It is rather because of the manner in which the procedures operate.

Alyn Smith: That is a point on which we flatly disagree. These legislative instruments were for over 40 or 50 years accepted by the UK Government in this House and latterly in the Scottish Parliament, the Welsh Senedd and others. They were also incorporated by the hon. Gentleman's Government into domestic law in order to provide ongoing continuity in legal sentencing. So where there are pieces of legislation that are not fit for purpose—or are somehow holding the country back from this brave new world we are all excited about—then get rid of them, but do not say that vast swathes of legislative instruments on our statute book should just somehow stop without any thought about their replacement or anything else; that is not a sensible way to go.

These are significant points. I accept there has been some hyperbole in describing what is at risk, but what is at risk is fundamental to how the citizens of our countries lead their lives: labour rights; rights to clean air and water; product safety; consumer protection; food quality; protection for women in the workplace; protection of biodiversity; trading standards; and health and safety. I could go on—there is a lot more, and colleagues will come on to that—but there are deeply held principles that our party cherished which under this Bill will be subject to a reversal process which we reject.

Turning to what we are looking to do and focus upon, we will support amendment 36 and also the Labour amendments on workers' rights and other matters; we need a united front on this. Our focus, however, given that we are the SNP, is Scotland's democracy. The Minister made a number of points about the increased power for the Scottish Parliament, and there are some powers, but if we are being fully intellectually robust about that process we also need to look at the interaction with the United Kingdom Internal Market Act 2020 and the fact that just yesterday a section 35 order was made by this Government. That is implicit in the devolution settlement; that makes clear that the reality of devolution is that anything done by the Scotland Parliament can be called in by the UK Ministers. I do not like that, but it is the reality of devolution, but the UK Internal Market Act makes clear that any future law of any Scottish emanation of government could be subject to calling in on political grounds in order to maintain the coherence of the UK internal market. That means every single power of the Scottish Parliament and every local authority, health service, university and all the rest is subject to a gainsaying that upends the fundamental principle of devolution.

3.15 pm

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): What are my hon. Friend's thoughts on the fact of those powers being called in by a Minister, not this House?

Alyn Smith: I agree with that point, but that is the reality of devolution, which is why we think devolution is not suitable for Scotland's ambitions and wants.

The Act in question was passed by Labour Members, SNP Members, Greens, Liberal Democrats and three Conservative Members, yet it has been called in by the Secretary of State for Scotland. We will fight that; we think it is a bad decision and we will take it right the way through the courts. The United Kingdom Internal Market Act 2020 makes it clear, however, that any future decision of any Scottish body is subject to it. The Bill makes it clear that the past is not safe either; existing bits of the domestic statute book are open to reversal as well, and some will fall off the statute book entirely. The Minister says she is keen for more powers for the Scottish Parliament, so I hope she will accept our amendment 28, which we will put to the vote, which makes that explicit. There are opportunities to tidy up EU elements of domestic statute. I fully accept that and I accept it needs to be done, but it is not done by setting fire to the house because we do not like the curtains in the downstairs privy, which is what this Bill does. It is, flatly, a damned silly thing.

Stephen Farry (North Down) (Alliance): Does the hon. Gentleman agree that there is a commonality of approach and of concerns, which he has voiced, between Scotland, Wales and Northern Ireland? My hon. Friends the Members for Belfast South (Claire Hanna) and for Foyle (Colum Eastwood) and I, and indeed Plaid Cymru Members, have tabled similar amendments—amendments 37 and 38, which I am glad the hon. Gentleman is pressing to a vote. Does he recognise that the capacity of our local civil service is constrained, particularly in relation to the “end of ’23” deadline? In Northern Ireland, which does not have a functioning Assembly, we have a particular challenge as none of this might drop off the statute book and no one is in political charge to take control of the situation.

Alyn Smith: The hon. Gentleman makes an important point. The UK constitutional arrangements in London, Wales, Scotland and Northern Ireland were all predicated upon the maintenance of the single market, the customs union and the EU; that was the balance of devolved competences that was struck. All this was upended by Brexit and the actions of the UK Government since. So there is deep consequence for the devolved settlements in all the home nations, and indeed the Brexit process, from this Bill.

If we are serious about protecting devolution—frankly, in light of yesterday’s decision, I do not accept that the UK Government are—we have put forward, as have others, ways to do so. But I do not think the Bill is fit for purpose. I disagree with its purpose; I think it was borne of spite and hubris rather than any pragmatic, rational process. I think it will cause problems for the UK Government—I say that with no pleasure—and in so doing will undermine the devolution settlement and cause grave disquiet to millions of our businesses and citizens.

I say to the Government that if they are going to do this damned silly thing, do not do it in this damned silly way.

Dean Russell (Watford) (Con): I rise to speak primarily about new clause 1, but I will touch on other amendments.

This Bill delivers on the promise of Brexit, but also the practicalities of what that means for this country. The truth is that when people voted for Brexit across the

country in large majority, especially at the last election, they wanted—to use a phrase that has been referred to a lot today—to take back control. There is no greater taking back control than having politicians and MPs in this place, and the Government that the people have elected, being able to decide our laws and make sure they are being implemented.

There has been a lot of talk about the idea that this is somehow a burden and a bonfire of rights. Actually, what we have seen in the Conservative party and the Government—I saw it myself last year—is an absolute passion to ensure that workers’ rights are at the heart of what we do. In my own work as a Back-Bench MP in the last year, I brought in a private Member’s Bill so that workers could keep their tips, which my hon. Friend the Member for Ynys Môn (Virginia Crosbie) is taking through its stages. On workers’ rights, we have backed private Members’ Bills on extending maternity rights and carer’s leave. We are doing that in lots of ways not because we are being forced to or because the EU has told us to but because we believe that that is the right thing to do. I fully back that.

The truth is that the Bill is about ensuring that, when voters elect us to this place, we have the ability to make changes. At the next election, they can choose to keep us or get rid of us, but, by kicking the issue down the road, which is in effect what some of the amendments are about, that will never happen. We need a deadline that is purposeful and delivers on what people voted for at the last election. We need to ensure that we are delivering in a timely fashion.

There is the idea that somehow we are putting too much work on to civil servants, that it will be too hard and that it is too much effort. Actually, we are voted in to be here to deliver and to ensure that our civil servants are delivering on the promises that we made to the British public. I have to say that civil servants do an amazing job; my experience with them has been fantastic.

I have heard lots of misinformation and, sadly, in some cases, disinformation in the media and in emails about what the Bill will do. It is not about reducing rights or reducing environmental measures. It is actually about looking at what laws are in place and being delivered in this country for the British people.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): The hon. Member and I have worked collaboratively on a number of things, including the Online Safety Bill. Given the vast swathe of legislation that has still yet to be determined, what is concerning is that there are difficulties around trust. I think in particular about the rights of workers built up over a number of years, environmental standards, and even several aspects of online safety. If, for such significant changes in existing provision, that legislation could be brought back to the House so that we could see it, that would restore confidence.

Dean Russell: I enjoyed working with the hon. Lady on the Online Safety Bill, which made huge progress yesterday and is now going to the Lords. The key point here is that there are many laws—and many pieces of what I would consider to be red tape—on the statute book, some of which even those who wanted us to stay in the EU do not know exist. We need to go through a process to identify that. The Bill is about amending, repealing or replacing that legislation. One part of that

[Dean Russell]

is about ensuring that case law that currently refers to pieces of EU case law and others refers to UK pieces. There is legislation that will become rapidly out of date because it refers to old EU legislation, priorities and policies. That cannot be right. We need to ensure that our legislation is fit for purpose and up to date.

Sir William Cash: On a small point that was just raised, may I mention that the Online Safety Bill is not retained EU law? There is a law in the European Union, but our Bill does not relate to that.

Dean Russell: I agree with my hon. Friend.

I am conscious of time. The bit that I really want to touch on is this legislation's role with regard to growth and small businesses. In the different world that we live in nowadays, it is essential that our small businesses—I believe that they are about 99% of all our businesses—can be nimble. We used to talk about having a shop on every corner, and we now have businesses that can be in every corner of the world. We need to ensure that they can grow and that they are not burdened with spending most of their time doing admin and back-office stuff to fulfil legislation that is out of date and unnecessary. We need to know what that legislation is.

Jim Shannon (Strangford) (DUP): While most of the United Kingdom will benefit from the Bill, and my party will support the Government when it comes to the votes, Northern Ireland is being left behind due to the protocol, which the hon. Member for Stone (Sir William Cash) referred to. Does the hon. Gentleman agree that while we do these things tonight, we must ensure that the Northern Ireland Protocol Bill goes through so that the people of Northern Ireland have the same rights as the rest of us in United Kingdom?

Dean Russell: I thank the hon. Member—my friend—for his comments. Absolutely, we need to get that sorted, because it is essential that we move forward in the right way.

My point on small businesses is that, at the moment, they need staff to do extra things to deal with Government—admin, processes and all those different things—and if we relieved that stress and enabled them to be more nimble, they could spend more of their time selling and doing rather than filling out paperwork. That has got to be a good thing. When we look at this legislation, we must ensure that everything is fit for purpose, that there is a purpose to it and that we are being purposeful in implementing it.

There are thousands of laws on the statute book that are not essential or necessary. They are just there, and many hon. Members probably do not realise that they exist. That cannot be good for this country. It cannot be good for growth and it cannot be good in particular for small businesses and those who run those small businesses.

There is lots more that I would like to talk about, but I will finish. I absolutely support the Bill and look forward to seeing it go to the Lords. I hope that Opposition Members will see the benefits that it will bring to this country and that, when they talk about taking back control, they realise that this is at the heart of that.

Hilary Benn (Leeds Central) (Lab): The Bill certainly has not improved with age; on the contrary, all of its flaws have become more exposed as the chorus of criticism on it has become louder and louder. We have heard Ministers blame misrepresentation a lot this afternoon. I think that they need to realise that they have brought this mess entirely on themselves. I wonder whether now, on reflection, they regret embarking on a process that has made opponents of so many people they did not need to anger. This morning, I listened to the chief executive of the Wildlife Trusts, who was absolutely scathing about the Bill. The Government have brought that upon themselves. Whatever Ministers think it is that they are doing, this is very bad politics—not that it is for me to advise them.

The fundamental problem, as we have heard, is that the Government still do not seem to know what it is that they want to do. Here we are, six-and-a-half years after the referendum, and they cannot tell us precisely what they want to scrap, what they want to amend and what they want to save. They cannot tell us. For my sins, I read the *Hansard* of the Committee, and found that, despite being asked that question many times, the Minister could not or would not provide an answer. As yet, I describe this as a process without a purpose. In the meantime, as we have also heard, Ministers have created huge uncertainty for business.

It is extraordinary, and that is why I am supporting the amendments that have been tabled by my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders). They seek to give substance to what the Government claim, which is that they have no intention of sweeping away lots of environmental and consumer protection and workers' rights laws; they just refuse to be specific about the ones they are going to keep. The amendments would make it clear beyond doubt which pieces of EU retained law will not be affected by sunset.

I am also supporting the cross-party amendment—amendment 36—tabled by my hon. Friend the Member for Walthamstow (Stella Creasy) because, whatever differences of view there may be in the House about other aspects of the Bill, surely nobody would argue that it is acceptable to repeal legislation by accident. Nobody can argue for that—that a piece of retained EU law should suddenly disappear from the statute book in just over 11 months because no one noticed its existence.

The Minister argued in Committee:

“Allowing outdated retained EU laws to languish on our statute book where they do not work in the best interests of the UK”—

debate—

“is irresponsible.”—[*Official Report, Retained EU Law (Revocation and Reform) Public Bill Committee*, 22 November 2022; c. 121.]

I would argue that it is irresponsible to propose this legislation, which could cause laws to disappear simply by neglect, given that Ministers cannot even produce a list of the so-called outdated laws—I simply do not understand this idea that all these bits of legislation are dragging the nation down—let alone a full and complete list of all the pieces of retained EU law that come within scope of this Bill. Because of that, the amendment my hon. Friend will be moving is necessary.

3.30 pm

The Government have admitted that they do not have such a list. They have been asked repeatedly and the best answer they could come up with was that the

“dashboard presents an authoritative, not comprehensive, catalogue” of retained EU law. It might have been better to say, “We don’t yet know what it is we’re talking about.” I think that is a fair summary of the Bill and that is why the amendment is needed. It will provide a fall-back and a fail-safe and it gives the House control—there has been much debate about that today—about what stays and what goes. I hope Members will support it.

On the sunset date, everybody knows that it is completely unrealistic—everybody knows. In the Second Reading debate, a former holder of the job I had the privilege to do, the Secretary of State for Environment, Food and Rural Affairs—the right hon. Member for Chipping Barnet (Theresa Villiers)—while supporting the Bill, said that there was a bit of a problem with the deadline here, because of what the Government were asking civil servants and Ministers to do. Nobody believes it is going to happen, which is why I argued last time that lots of this stuff will just be saved, using the powers that are within the Bill. We should help the Government by voting for amendment 18 to move the sunset date from this December to 2026.

Above all, this is a terrible diversion of resources and effort. There are so many things in this country at the moment that are not working. I am not going to go through the list, but we all know that because it is the experience of our constituents. Why do the Government not focus on those things, rather than on pieces of legislation that are working—because they protect our environmental standards, consumer rights and working conditions? The fact that they originated, in many respects, from the European Union really does not matter one way or another. They are laws that we approve of, we like and we want to keep and that is why so many people are so unhappy about this Bill: it threatens and it does not look as though the Government know what they are doing.

Craig Whittaker: First, I would like to put on record my support for this Bill. I fully understand the huge opportunities it presents for UK plc. I do not agree with those who believe this is a Bill to strip away rights and hard-fought-for gains in various legislation. Those who detract seem to forget that, when the UK was part of the EU, often, legislative change was led by this country to improve rights for all people in the EU, and it is because of this country’s input that many of these pieces of legislation are in place today in the EU. On that basis, there is no reason why we cannot enhance some of these laws further. This Bill will give us as a nation every opportunity to do so.

However, I would like to ask the Minister to ensure that, when changes are made, we take every opportunity to enhance laws beyond what we currently see. As well as doing that, can we ensure we have a swift mechanism so that when we do not get it right—in some instances we will not get it right—we can swiftly plug any loopholes? Today, I want to briefly highlight one sector that is being exploited not by the Europeans, but by far eastern countries as a result of us being too liberal—with good intention, I might add—from the outset after Brexit.

Currently, a member of the Chartered Institute of Trade Mark Attorneys who is EU qualified but does not currently reside in the EU, cannot practise on EU trade marks in the EU, or in this country for that matter. When Brexit happened, the only criteria we adopted to represent a client here in the UK was the need to have a UK address—so the criteria are different from those under which we traditionally operated. The change, while it had every intention of making the system more open, actually has brought huge unintended consequences, with tens of thousands of additional applications clogging up the system. We see far eastern companies and others setting up a PO box in this country, which counts as having a UK address. On the face of it, that does not seem to be an issue, until of course you need to contact them, which you cannot.

Prior to Brexit, if a trade mark was breached in this country, a company would employ a trade mark attorney, who then would negotiate with the company or the attorney of the company breaching the trade mark or trying to apply for a similar trade mark. An agreement generally would be reached before having to go to court and the cost to UK business was more of an irritant than a substantial cost. Now we have a multitude of PO boxes where a company’s attorney cannot even get a reply by email from those so-called companies. That means it has to go to court on virtually every occasion. That is many times more costly for UK companies, not to mention the huge amounts of frustration and irritation that comes with the current process.

To highlight how huge this issue is, these foreign-based firms with PO boxes now account for 39% of all UK trade mark applications at the UK Intellectual Property Office, compared with just 19% prior to Brexit in 2019. If we are not careful, we will have a situation where trade mark-intensive industries, which by the way account for £770 billion of our GDP each year, may be completely undermined by what appears on paper to be a good change of legislation, but which in reality has the ability to totally undermine the sector and a huge part of our GDP.

Without taking any more of the House’s time, I would like to ask the Minister to reiterate what safeguards will be in place to ensure unintended consequences, such as those happening to the trade mark and intellectual property sector, do not happen. What can the Minister do to ensure we have a system in place where legislation can be changed quickly, as in the case of CITMA, when we totally miss the unintended consequences?

Stella Creasy: I rise to raise amendment 36, tabled in my name and in the name of the right hon. Member for Haltemprice and Howden (Mr Davis) and many other Members across the House.

As far as I can see, there have been three responses to the Bill in Parliament. First, there are those who have not paid attention because—let’s face it—many years on from the Brexit referendum still anything that involves Europe is cold cup of sick territory. That is understandable but not excusable because it means that those people have not woken up to the fact that this is nothing to do with Brexit and everything to do with an audacious ministerial power grab.

The second group are those who have read the Bill and are completely happy with the idea that the Government should just hit delete on all legislation

[Stella Creasy]

with the word “Europe” in it, with all the confusion, chaos and complications that will cause for our constituents, because it is a price worth paying. That is not understandable, but it is excusable, because they do not see the laws at stake here—they just see the word “Europe”. There is an honesty in being so hellbent on the idea that anything we have ever shared with Europe is bad and it does not matter whether people value it—employment rights, environmental protections, consumer standards, flight safety rules. For them, if the choice is cake or death, it is death every time.

The third group of people are the people I am trying to appeal to today. They know this is not the right way to deal with retained EU law, but they hope that somebody else will step in and sort it out—the Opposition, other MPs, the Lords or perhaps even some divine intervention from the Lord himself. That is not understandable or excusable, because if the Bill goes through unamended it will stop us doing our job and it is our job to speak up for our constituents.

Today’s debate is not about how the Europeans make legislation. We have left the European Union. This debate is about exactly what taking back control meant, and about whether we will be able to speak up for our constituents on the issues that they care about. The emails in our inboxes show that they care. What was promised during the Brexit referendum campaign was not a sovereign Whitehall or taking back control in Downing Street, but that is exactly what the Bill does—and it does it in a way that is beyond parody. Personally, I think that the dashboard was created as a way to keep the then Business Secretary occupied putting random words into it. It is a farce that, as my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) said, we are legislating by website.

It matters that the scope of legislation is correct, which is what amendment 36 would ensure. Let me help Ministers out here, because they do not know how many laws are missing. We have already found many, including the Conservation of Habitats and Species Regulations 2017, the Conservation of Offshore Marine Habitats and Species Regulations 2017, the Marine Strategy Regulations 2010, the Marine Works (Environmental Impact Assessment) Regulations 2007 and the Welfare of Animals (Transport) (England) Order 2006.

In other cases, the dashboard lists regulations that are no longer laws, so some poor civil servant is going through them even though they no longer exist. The Financial Services and Markets Bill seeks to revoke at least four sets of EC regulations that do not appear on the dashboard. Two of the first five statutory instruments that it seeks to revoke are not listed on the dashboard either.

It is estimated that the process will cost the taxpayer tens of millions of pounds, at a time when we are all being told to tighten our belts because of the Government’s mismanagement of the economy. There are 3,500 pieces of legislation involved—that is the estimate, but there could be more, and I suspect that that is why the Minister does not want to be honest with us—in comparison with the 600 that we made during the Brexit process.

The Minister says that the dashboard will be updated, but it will be updated after the point at which we are being asked to approve the process. I will withdraw my

amendment if Ministers can just give us a clear number and a clear list of what is in scope. I do not understand why that is an unreasonable proposition. Frankly, Back Benchers of any political party should be worried about the precedent set by legislation that allows the Government to give themselves an enabling power without defining its limitations.

That is before we even get on to who makes the decision about what happens next. Ministers want to tell me that I am scaremongering when I raise concerns about how they will use these powers—they say, “Of course we wouldn’t get rid of these laws.” Well, let us have a look at that scaremongering. I have been tabling parliamentary questions to try to understand what will happen to rights that all our constituents care about, such as paid annual leave, bathing water quality, sharps rules in hospitals, consumer protection from unfair trading, food hygiene and toy safety legislation. Those are surely things that Ministers would want to put beyond reach, so nobody could say that they might be revoked or accidentally lost down the back of the ministerial sofa, along with the 800 sets of regulations that have no ministerial leads and are quite likely to get lost in the process.

The problem I have is that Ministers are clear that there are some regulations that they are going to revoke and some they are going to keep. So they do know what they want to do with the power that Members are going to hand them; they just do not want to be honest about it. Why do they know that they want to keep the regulations on bird flu, but not those on maternity and paternity leave? The Minister ought to talk to her colleague the Minister for Food, Farming and Fisheries, who wrote back to me clearly saying that the Government were reviewing that.

That is the problem: Conservative Members may trust their Government colleagues to do the right thing, in the same way that they might trust a 17-year-old when they ask for the keys to a Porsche “just to polish it”, but those of us who have been here and seen Governments of different colours, and the temptation that comes with ministerial power, know that the point about taking back control was parliamentary sovereignty. That starts with knowing what we are being asked to hand over: we are being asked to hand over oversight of an unknown number of laws. That is what amendment 36 asks for clarity on.

We also have to hope that our colleagues in the other place will make it clear that we can have influence—and not just in like-it-or-lump-it statutory instrument Committees; don’t kid anybody who has sat on one that they are a good or effective version of parliamentary scrutiny—and that we can speak up for our constituents. It may feel like cold cup of sick territory when we see something with the word “Europe” in it, but with all the rights and regulations up for deletion under the Bill, I promise that our constituents will not forgive us if we do not stand up for parliamentary sovereignty and support amendment 36.

Mr Rees-Mogg: May I begin by thanking the fantastic Bill team, some of whom may be listening to our proceedings this afternoon? This was an extremely difficult piece of work to pull together. The hard work that they have put in to achieve that in a timely way shows, it has to be said, the British civil service at its best. I am

sometimes quite critical of the British civil service, so it is nice to be able to put on record in *Hansard* my grateful thanks for the deeply impressive work that has been done.

The Bill is being enormously overinterpreted by Opposition Members, and—it has to be said, as my hon. Friend the Minister did—mainly by people who never wanted to leave the European Union anyway. I think the laws of physics are being rewritten by the opponents of Brexit, because as far as I am aware, things do not expand in black holes; that is rather the point of them. Things are sucked in, and even light is trapped by the gravity.

3.45 pm

There is a misconception on the Opposition Benches, in so many respects, when it comes to this Bill and the amendments tabled to it. The amendments themselves are deeply confused. On the one hand, there is a concern that the Bill is a great power grab; that this enormously powerful state will snatch power away from the Houses of Parliament. On the other hand, Opposition Members want the regulations to be extended. Either this is a great power grab or the regulations should be extended; it cannot be both.

The truth is that the Bill is mainly technical. What it is doing is correcting our statute book so that we no longer have laws referring to European regulations that may themselves have been repealed or amended. We currently have rules that are based on things that either are out of date or even, possibly, no longer exist. That is no basis for our statute book. It is a technical tidying-up operation that will apply to the regulations that are kept.

However, if we look at clauses 4 and 5, we see that it is also technical in terms of ensuring that our law has one base, and that the validity of, speaking loosely, UK law—obviously there is Scots law, English and Welsh law, and Northern Irish law—has its own individual base, without EU law, EU law principles or a civil code approach influencing, upsetting and confusing it. That applies both to the principle of the supremacy of EU law and the general principles of EU law, and to the ability of our courts to revisit earlier judgments so that they are based on what we can loosely call UK law. It is an extremely sensible approach.

The SNP, as so often, becomes very confused in the European debate, because it wants, and makes its case for, greater sovereignty for Scotland, until it hands it all over to the European Union. The SNP wants independence from the Westminster Parliament, to which it makes a very noble contribution: I see in his place the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), who certainly made a fine contribution as its leader here. So SNP Members make a contribution here, but they want to leave here to hand it to Brussels. That seems to me to be the definition of eccentricity, and something without a logical base.

What this Bill does is give power to the devolved authorities. They will be able to take retained EU law and do with it as they please. They can keep it, they can revoke it, they can amend it, but they cannot extend it. Why can it not be extended? That is a point that has been raised, and it is one about which people have some concern, because this is technical. This is turning the status quo into domesticated law. If people want to

make the political argument for extending laws, they have the ability to do that where it is devolved. They have the power to do it, but it is not this Bill. Likewise, in this Parliament, if we wish to extend the regulations, we have the ability to do so. That brings me to an entirely spurious point that is being made.

Ian Blackford: I hope the right hon. Gentleman will understand this point. Of course there is a difference: we wish to be back in the European Union as an independent country, but by dint of this Bill we are going to have to introduce legislation to make sure that we remain aligned with the European Union. We have no desire to do that, because we are already closely aligned. These measures are going to be forced on us, against our will, by this Parliament.

Mr Rees-Mogg: The right hon. Gentleman makes a fair point. There will be some work for the Scottish Parliament to do to maintain the status quo. That is a policy decision for the Scottish Parliament, resulting from a decision that was taken by the whole United Kingdom. That is how devolution works, and that is a proper and fair working of devolution. That, actually, is what gives the Scottish Parliament the power to do what it wants to do. It flows from our constitutional settlement, and from the overarching decision made by the British people, as one people, to leave the European Union.

I now come to the entirely bogus point about the threat to rights. In his opening speech on Second Reading, my hon. Friend the Member for Watford (Dean Russell) made it clear, on the Government's behalf, that the environmental rights would be maintained. The Government have been and are committed to that. But they will maintain them in UK law. We have been able to that before. I believe Henry Brooke was the Home Secretary who introduced the Clean Air Act 1956. The Conservative party has a pretty good record on that. It turns out that the Sale of Goods Act 1893, to which I earlier referred the Minister, was one of the last Acts of Gladstone, so the Liberals should be proud of their history of doing things in a British way rather than needing the European Union to do it. The Conservatives introduced the Holidays with Pay Act 1938—again, the protection of workers' rights. That is before we go back to Lord Shaftesbury and the Factory Acts. We do not need to go into the mists of time to see that we can do it ourselves.

Finally, I must mention amendment 36. This is the man upon the stair. We all know about the man upon the stair:

“Yesterday, upon the stair, I met a man who wasn't there. He wasn't there again today. I wish, I wish he'd go away.”

If we do not know what our laws are, how are people supposed to obey them? If the laws are unknown, mystic and possibly imaginary, surely they should not be laws in the first place. They have made the best argument for getting rid of the man upon the stair who was not there in the first place.

Alex Sobel (Leeds North West) (Lab/Co-op): I will keep my remarks to the Bill's impact on laws that fall within the remit of the Department of Environment, Food and Rural Affairs. The Government's dashboard lists only 570 laws that DEFRA identified as within the scope of the Bill. That figure alone would make DEFRA the most heavily impacted Department. However, in

[Alex Sobel]

Committee it became clear that as many as 1,000 laws may be at risk of being revoked by the Bill's sunset clause in December.

There are not the resources in DEFRA to enable officials to examine properly each of those laws in turn in the time remaining before the sunset sweeps them away. That is forgetting all the other work on environmental land management, sewage, waste, air quality and our commitments at the nature COP in Montreal. While our nature is depleted further due to the Government's short-sightedness, we will have a year of navel gazing and the entire Department will be clogged up with months of pointless work reviewing lists of laws that no one wants to drop.

I take umbrage with the right hon. Member for North East Somerset (Mr Rees-Mogg). There are no guarantees. The Government are not guaranteeing that a single law will be retained in UK law. They should prioritise their environmental commitments in the Environment Act 2021 and the 25-year environment plan, including the actions and policies necessary to deliver nature's recovery by 2030, as well as the environmental targets, the statutory instrument for which will become law next Monday. Those should be the Department's priorities.

A definitive list of environmentally important measures does not exist. One could say that the Government have played themselves. It is the same old story, but there is still time to change the ending. We know that the list is even more extensive than the comparable list of retained EU law that provides critical protections for workers' rights and conditions. The inventory of workers' rights legislation is shorter and more easily identifiable.

There are important differences between the three domains of rights and protections highlighted by Labour's amendments, all of which would set us back on the right path and change the ending. The Bill is unnecessary and we need to retain all those regulations and laws as minimum standards in this country. The retained EU environmental laws covered by the Bill include major protections that we rely on for clean air, clean water and safe foods. They provide crucial safeguards for the world's most nature-depleted nation. Those are not my words but the words of Lord Goldsmith, a Government Minister in the other place.

Under the Bill, critical environmental protections face the prospect of being revoked or replaced by weaker regulations. Those are our real, identifiable concerns. Due to the extremely limited time available to consider and draft workable replacements before the application of the sunset clause, and the lack of parliamentary oversight and public consultation, we must focus on those issues if we want the Government to change the direction of the Bill. The Government have said that they are committed to maintaining environmental protections. The right hon. Member for North East Somerset said that

"the Government is committed to maintain all the environmental protections that currently exist and met a number of the environmental lobby groups to confirm this".

That quote was from an earlier time but I think he just repeated himself. There is no guarantee—it is just words on the record, and he is no longer a member of the Government.

Caroline Lucas: Is it not also the case that, as far as we are aware, the perception of environmental legislation held by the right hon. Member for North East Somerset tends to be very much a narrow thing about habitats, water and so forth? It does not include things like product standards, chemical regulation or efficiency standards, for example, all of which might not necessarily be dealt with by DEFRA but which absolutely affect us every day of our lives.

Alex Sobel: There is a point about REACH—the EU regulation concerning the registration, evaluation, authorisation and restriction of chemicals—which was mentioned in the Bill Committee, but I want to give other Members time to make their speeches, so I will take on the hon. Lady's points and I am sure others will pick them up later in the debate.

Mr Rees-Mogg *rose*—

Alex Sobel: As I have mentioned the right hon. Gentleman twice, I will give way to him.

Mr Rees-Mogg: I am very grateful. I just want to clarify a point. It is not my word that has any significance in this; it is a Dispatch Box commitment, by which Governments tend to be bound successively. I would point out that, on legislative reform orders, this Government have tended to follow the Dispatch Box commitment given by Paul Goggins when he was a Labour Minister. Dispatch Box commitments are important.

Alex Sobel: I look forward to repeating the words of the right hon. Gentleman and the Minister on the Treasury Bench in December this year, to see if that is true. Only time will tell. Maybe my poor level of trust might be wiped away or eroded, but I doubt it.

I will conclude, to give others more time. The Bill as it stands today gives us no protections and is a charter for a bonfire of rights and protections that the public not only hold dear but need in order to breathe clean air, drink clean water and ensure that our countryside is not ravaged by destruction and extraction. That is why I am supporting our Front-Bench Members and the amendment tabled by my hon. Friend the Member for Walthamstow (Stella Creasy).

Vicky Ford: I want to start by thanking the Minister for the "Dear colleague" letter that arrived last night. It went a long way to myth-busting some of the misinformation that has been put out about this Bill, particularly by clarifying that it will not weaken environmental protections and that the Government are committed to protecting workers' rights. However, the letter did not mention consumer legislation. Consumer legislation is often dealt with by many different Government Departments, and that might be part of the reason why. I particularly want to focus on consumer legislation.

I worked for many years as a British MEP representing British constituents, and I also chaired the European Parliament's Internal Market Committee, which is responsible for consumer legislation, so I am very aware of how important much EU consumer legislation is to protecting constituents—British consumers—and this covers many areas, including food safety, product safety and safety when we travel.

But I am also aware that EU legislation is not always perfect in all regards. Yes, the UK played a key part in negotiating much EU consumer law, but that does not mean that every single element of the law perfectly fits the UK market or UK consumer needs. In some cases, the UK might have wanted to introduce different or even stronger protections, but to get consensus across all the EU member states, either a one-size-fits-all or a lowest-common-denominator approach was sometimes followed. For example, I sometimes saw larger companies lobbying on specific regulations or product specifications and making them so specific that smaller competitors would find themselves locked out of the market, thus stifling competition and reducing consumer choice. So I agree with the principle of the Bill that all of Whitehall needs to look again at all EU retained law and ensure that it fits UK needs.

Furthermore, where unnecessary regulation produces additional costs, these costs are too often passed on to consumers. In today's economic environment, so many of our constituents have such pressures on their household budgets, and we need to reduce those unnecessary costs, so I understand why clause 15 has been drafted. However, this does not mean that removing all consumer regulation is in the consumer's interests, because a well-regulated market can benefit consumers, especially when it comes to safety measures. There might be examples where it would be sensible for the UK actually to increase safety measures and therefore increase regulations in some places.

We also need to make sure that important protections do not inadvertently drop out of our legislation during this process. It is therefore important for Ministers to ensure that equivalent or improved legislation is put in place, so that consumer interests, especially regarding safety, can still be protected. I hope the Minister will be able to comment on that in the wind-ups.

We should also recognise that there are some areas, particularly in fast-moving sectors, where new or deeper regulation is needed. The consumer organisation Which? regularly reminds us that product safety regulations do not fully cover the way in which consumers spend their lives online, and there may be an opportunity to improve that in the forthcoming digital markets, competition and consumer Bill. Product safety regulations could be updated, given that the consultation is shortly to be launched by the Office for Product Safety and Standards. We need to make sure that the Retained EU Law (Revocation and Reform) Bill does not cut across those other initiatives.

4 pm

The UK has a very strong global reputation for producing good regulation. This matters, because we want to encourage businesses from all over the world to produce, manufacture and sell in the UK market. That helps to create jobs in each of our constituencies, to increase prosperity and to drive growth here in the UK. In order to do that, businesses need certainty, so they want to have a transparent regulatory process that includes consultation, with both businesses and consumer organisations, and the parliamentary scrutiny that is important to help reduce the risk of unintended consequences.

We know that producing good regulation, drafting changes and consulting on those changes can take time. We also know, and it is important to say again, that the

Bill in itself does not repeal all EU law. It just introduces a sunset clause for the majority of that law. The sunset clause has been set for the end of this year, and anyone who has worked on detailed regulation knows that is a very short period of time. However, tight deadlines focus minds. The Bill provides for an extension mechanism for specified pieces of EU law until 2026, and for some retained EU law to be preserved and incorporated in domestic law, where needed.

I heard what the Minister said about the dashboard, which is a helpful audit, and I have looked closely at amendment 36 and understand where it is coming from, but much more important to delivering the Bill is how it will be implemented. I therefore ask four things of Ministers. First, I urge them to set out, clearly and as quickly as possible, which regulations will have the 2023 sunset. I urge them not to be afraid of using the option to extend to 2026, where necessary. I urge them to ensure that the protections for consumers are not inadvertently dropped during this process, and to look across Whitehall at all consumer legislation. Finally, I urge them to make sure that any new or amended consumer legislation is properly introduced in an orderly way, with proper consultation and scrutiny.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): One of the loveliest plaudits I have had since becoming a Member of Parliament is to be named as a species champion for the brimstone butterfly. If I had longer, I would tell the House about what a beautiful butterfly it is and how it can be conserved.

This debate reminds me of my daughter's favourite film, "The Lorax", which I have seen many, many times. The Lorax stands and speaks for the trees. Today I am speaking not only for the trees but for nature. There are very legitimate concerns about the impact of revoking all retained EU law, and those concerns come from the Royal Society for the Protection of Birds, Butterfly Conservation, Buglife, Plantlife, the Bumblebee Conservation Trust, the Bat Conservation Trust and the Amphibian and Reptile Conservation Trust. These are not radical or militant groups. They are not interested in the rights and wrongs of Brexit, and many were in existence long before the UK even joined the EU. Their intervention is unprecedented. These are mainstream conservation charities that rely on their membership, which I know personally is comprised of people with completely different political beliefs who share a common desire to improve and support nature. When the RSPB calls this Bill "an attack on nature," we have to listen.

The Government created the category of retained EU law to ensure continuity after leaving the EU, and their deadline is arbitrary. Anyone would think the Prime Minister is more concerned about the upcoming local elections and the impending general election than about doing the right thing. The Bill flies in the face of common sense. Rushing to get rid of legislation without the time or the capacity to consider properly what we might want to keep does not make sense. As has been repeatedly pointed out in this debate, the Minister is not even aware of all the legislation that we might be getting rid of. It feels as though the Government are intent on cutting their nose off to spite their face. This is childish and it is another example of the Prime Minister putting the needs of his Brexit extremists ahead of what is right for our country.

[Emma Hardy]

The Environment Secretary had told the Environment and Climate Change Committee that 1,000 pieces of legislation were possibly involved, but we know that that figure has doubled, and the Minister is unable to give a final figure. If we do not know how much legislation is impacted, how can we possibly consider what we want to keep? Let us look at what is at risk. The environmental protections at risk include the highly effective habitats regulations, which protect some of most threatened and rare species and their habitats from the impacts of inappropriate development and persecution; the water framework directive, which regulates water pollution prevention and drives forward quality improvements in rivers and lakes; and the plant protection products regulations, which provide protection for all the environment and human health from pesticides.

Of course, what we want is to strengthen and not destroy, but this Bill makes a nonsense of the country's environmental targets and commitments, and the Environment Secretary knows it. The confusion in this Government is shown by the fact that, on the one hand we have the new statutory English biodiversity targets published under the Environment Act 2021, which add to the pre-existing target of having 30% of the country protected for wildlife by 2030, while on the other hand DEFRA is consumed by a scramble to redraft regulations that have taken decades of work and expert consultation to evolve, under the direction to "lessen environmental burdens". Like the rest of government, DEFRA is pulling in two directions at the same time.

Clause 15 prevents redrafting by precluding any that would "increase the regulatory burden", even if these burdens that we are so worried about increasing amount to only an administrative inconvenience. It is crystal clear that the only outcome can be a weakening of environmental protections for our air, soils and water, and an increase in the loss of biodiversity. I believe that the public really care about this. The membership of all those organisations, right across the whole of our country, in every constituency, care too. We are a nation of animal lovers and we want the air we breathe and the waters around us to be clean. If we do not know what we are getting rid of, how it may have an impact and what difference it might make, how can we be sure we are doing the right thing? I was always taught that if something is worth doing, it is worth doing well. So will the Government just calm down, focus and get it right? Our country will pay the price if they do not.

Mr David Davis (Haltemprice and Howden) (Con): I will be brief. My arguments will be simple and they will go straight to amendment 36.

When the right hon. Member for Leeds Central (Hilary Benn) spoke, I had a flash of *déjà vu*, back to the days when I co-operated with his father, thwarting the Blairite attempts to bypass Parliament some years ago. It came back to me that his father and I also shared a view on the European Union, with both of us knowing that it was undemocratic. We knew that both from ministerial experience and because we had read out history; Monnet and Schuman had designed it to be undemocratic, which was why we wanted to leave.

I say to the Minister, given what was said before from the Front Bench, that I come at this as a convinced and campaigning Brexiteer. I remind the House, given the

substance of this Bill, that I resigned from Cabinet to preserve the right to diverge from the EU. So I agree with the aims of the Bill, but I also agree with the SNP spokesman, the hon. Member for Stirling (Alyn Smith), about its effectiveness in delivering those aims. I voted and campaigned to improve democracy; I wanted to take back control in order to give it to Westminster, not to Whitehall. However, that is what we have here.

When the Minister was speaking earlier, she talked about the consultations, but they were not with us—they were with the Scottish Government, the Welsh Government, the Departments of State and not with us. But we are the people who are responsible for this legislation. What is more, we are being asked to sign a blank cheque—one might almost say a pig in a poke—because we do not even know how many pieces of legislation are going through on the back of this Bill, let alone what they are. That, of course, is not democratic. We have heard the anoraks talking about this SI Committee, that sifting Committee and so on. That is not the Floor of this House. These issues are sufficiently important—some of them, not all of them—to be debated in the Chamber. Just glancing down the list, I see: aviation safety; compensation rules; insider trading; protecting a pensioner's payout when a company goes bust—I cannot think of anything more significant to our constituents than that; and preventing the trafficking of illegal weapons. These are substantive issues that need to come to us.

Stella Creasy: I hesitate to stop the right hon. Gentleman, but does he therefore agree with me that the fact that Ministers have already unilaterally decided to revoke the piece of legislation that protects our constituents getting 50% of a pension pot if their company goes bust, without any consultation with us because they will use the powers in the Bill simply to let it be deleted, makes exactly his case as to why this is not democracy or taking back control?

Mr Davis: If the hon. Lady had given me 30 seconds, I would have made exactly that point. I agree with her. This morning, or last night, we had No. 10 rushing to brief the papers and to write to us saying that the Bill will not remove existing rights and protections, which is plainly not true, and that it will not impinge on environmental rights and so on. That demonstrates what a great hole there is in the middle of this legislation. If those matters were covered in the law, we would not need to have that assurance. All of the non-governmental organisations that are concerned—I do not agree with all of them—would not have had to have their say either.

Mr Rees-Mogg: I am very grateful to my right hon. Friend for giving way, because I, too, am very much in favour of parliamentary scrutiny and things being done properly. Everything that is covered by this Bill came in by a secondary measure and therefore it is proportional. Primary legislation is not within the scope of the Bill. If anything that came out of Europe came through in primary legislation, it will have to go through consideration on the Floor of the House. Unless my right hon. Friend is against secondary legislation altogether, I do not quite understand why he finds this Bill so shocking.

Mr Davis: I am sorry, but two wrongs do not make a right. The reason why I did not like the European Union was precisely what my right hon. Friend has just described.

We had things almost de facto imposed on us. We went down an SI-type route to do things that I thought were important enough to justify discussion on the Floor of the House. The depletion of debate on the Floor of the House, mostly in the years before he came into the House, was one reason I was a Brexiteer.

We have approached this issue in a different way in other respects. Let us imagine that we are talking about 4,000 pieces of law, regulations or whatever. In truth, probably 90% of that may be clunky and may not work very well, but there is one thing in the Bill that I approve of, which is dealing with the superiority of European law—taking those priorities out of it. That is sensible. Once we have dealt with that, things will broadly work and will not justify a rush at this exercise. Let me explain very briefly what I think the consequences of that will be. I said that it is not democratic, but it will also be inefficient and possibly incompetent. I give the House, as a demonstration of this, what we did on 3 March 2020. You may remember, Mr Deputy Speaker, that that was the day that we gave the Government all sorts of powers under the emergency Coronavirus Act 2020. If we look, we can see how many errors were made in governing the country over the next six months, until we corrected that Act. If we do not bring a Minister to that Dispatch Box to justify what they are doing, the quality of the decision goes down, and that is dangerous when we are talking about measures as important as these.

The right approach is the one that we have actually taken in some areas. For example, we are rewriting the General Data Protection Regulation under a digital Bill. We are rewriting Solvency II and other financial measures under primary legislation, and the same is true for some procurement work. We should be doing similar things with some other software elements and biomedical rules. That is the way to do it: pick off the 10% or the 5% that really matter—that make 100% of the difference—and do that properly, on the Floor of the House, and not by remote control on a ministerial diktat in an SI Committee upstairs.

Sarah Olney (Richmond Park) (LD): It is a pleasure to follow the right hon. Member for Haltemprice and Howden (Mr Davis) in this debate. I rise to speak to amendment 36, tabled in my name and the names of right hon. and hon. Members from across the House, and to pay tribute to the hon. Member for Walthamstow (Stella Creasy) for her hard work in drafting and tabling it.

4.15 pm

In a nutshell, as the hon. Lady has said, we do not know what the Bill covers, and neither do the Government. The Government's dashboard lists just over 2,400 EU-derived laws; the former Minister, the hon. Member for Watford (Dean Russell), who is no longer in his place, admitted that that was,

“an authoritative, not comprehensive, catalogue”

of the legislation. The National Archives, based in Kew in my constituency, has identified significant omissions in the Government's dashboard, and the *Financial Times* has suggested the true total could be closer to 4,000 pieces of legislation. We simply do not know what we are voting on today.

Amendment 36 would ensure that the Government produced a definitive list of legislation to be revoked or reformed through this Bill, to ensure that the scope of

the work is clear to everyone. As things stand, there is a risk that some laws will fall automatically if the relevant Department has not identified them.

The amendment would also ensure that Parliament has the ultimate say on which legislation is affected by the Bill, giving Members of this House the power to amend the revocation list by adding or removing instruments. It is important to remember that, when we talk about retained EU law, we are talking about legislation that guarantees a host of rights, including workers' rights such as holiday pay and maternity pay, data protection rights and legislation that determines our animal welfare and food quality standards. Yet we could see huge swathes of law revoked or reformed with no parliamentary scrutiny or consultation—and it is not just parliamentarians who are concerned; hundreds of my constituents have emailed me in support of this amendment.

This Bill is simply an undemocratic power grab by the Conservative Government. It is not acceptable for the Government to make arbitrary but legally binding decisions on behalf of the whole country without following a proper legislative process. This is a Bill completely devoid of parliamentary oversight and accountability, and it will be our constituents who suffer from declining standards as a result.

Liberal Democrats are extremely concerned about the potential for environmental deregulation through this Bill, which the Royal Society for the Protection of Birds has described as an “attack on nature”. The UK is already one of the most nature-depleted countries in the world, and the Government cannot afford to relax regulation. We urgently need better regulation in this area and better resources to implement and monitor that regulation, yet the agencies responsible for regulating our air and water quality and preventing pollution have been rendered toothless by this Government.

Just this week, in my constituency, Thames Water has announced plans to replace water from the River Thames at Teddington Lock with treated sewage in times of drought. Who will be monitoring the water quality to ensure that that it maintains a high standard? There is huge concern among my constituents. The last thing they want to hear is that the existing regulations to maintain water quality standards through the River Thames will just be scrapped and that whatever is put in place to replace it will not have adequate parliamentary scrutiny. What will the Government do to ensure that agencies responsible for monitoring Thames Water are held to account? I hope the Minister in their closing remarks will address the concerns already raised in this debate about how the Government will ensure that the Bill does not put our environment further at risk.

I am also concerned that the Bill will cause yet more economic damage and uncertainty for businesses and households at the worst possible time. By setting a deadline of the end of 2023 for thousands of pieces of legislation to be scrapped, the Government are creating an unnecessary cliff edge. It is unrealistic for officials to trawl through and effectively scrutinise thousands of laws, and enact replacements, in less than 12 months.

When I am out and about talking to businesses and business groups, they tell me that the one thing our economy needs right now is certainty. How can they

possibly have that certainty when so many of the regulations that underpin their operations are just going to be scrapped? The other thing they tell me is that they like a clear regulatory environment, as it creates a competitive playing field and gives consumers confidence. What they really like is parliamentary scrutiny of that regulation, which they believe creates good regulation and good law.

It is likely that many key sectors will be left in legislative confusion, with EU laws scrapped and no UK laws to take their place. After years of low growth due to Conservative incompetence, and months of worsening business conditions, the last thing businesses need is increased barriers to trade and more uncertainty—yet that is what this Bill will bring.

To conclude, the Bill is an undemocratic power grab that gives Conservative Ministers the power to eliminate vital pieces of legislation. There is no comprehensive list of legislation that will be affected by the Bill, and Parliament has no say over its scope. The Liberal Democrats will vote against the Bill. It is unnecessary and unrealistic, and it will serve only to cause more uncertainty while potentially eliminating or watering down key protections for our constituents. At the very least, I urge the Government to accept amendment 36 to increase the transparency of the laws that are impacted by the Bill and ensure that Parliament is not sidestepped in such an important process.

Mr Marcus Fysh (Yeovil) (Con): I voted for the independence that we gained from leaving the EU, as did many of my constituents. But they and I want to see us take advantage of the flexibility to make our own law that that independence gives us. That is the point of Brexit, and I think that one of the frustrations for people around the country has been in not seeing that taken to its logical conclusion.

The Bill is an overdue but welcome part of that. It is necessary because we are looking to streamline our systems and give them precision and certainty through a full framework of UK law-making, not EU judge-led interpretation and code. We need the Bill for the flexibility and agility that it will give us in being able to promote competitiveness and law that is appropriate to our conditions in these islands, and focus on the things that are important to our constituents. We need those laws to be accountable to them. We need the Bill for practicality and pace in achieving that. We do not need the process of engaging with the review of our retained EU law to be hamstrung by the House of Lords, or for the Order Paper to be commandeered by interest groups and Opposition Members.

We need to establish this common law framework by which our law can evolve. We do not want it to be subject to enduring purposive confusion and obstruction by European Court of Justice judgments, which inevitably affect the interpretation of law that originated from EU sources. We need the Bill to focus on those things. We need it not to be confused on these matters by arguments from the other, unelected, House. As people have mentioned, there are extensive powers in the Bill to provide that there are no lacunae in our laws by virtue of the revocation and the sunset. There are powers to restate and remake our law should those lacunae appear.

Overall, the Bill is essential to send a clear message to the government machine that it needs to apply itself now and finish the work that it has started. I am

confident that it can and will do that. The civil servants whom I have seen working on these things are extremely dedicated and absolutely able to achieve that. After we pass the Bill, we need Ministers in every Department to step up and lead. They absolutely can do that, and they can do it well—there is time, but it will require a coherent process. They need to be focused on triage and prioritisation, with assistance from, at the centre, the Brexit opportunities group in the Cabinet Office, about which we have heard. That group can commission outside counsel to help with that process, to drill down into the most important things to achieve and to achieve them efficiently, and to set up common law frameworks for the evolution, clarification and elaboration of our principles in common law on all these matters.

It is also important that that process involves practitioners from industry. Sometimes, we listen too much to the CEOs of big companies and the heads of various industry bodies, who often are political in their outlook, rather than thinking about the practicalities of getting from A to B and coming up with proposals that would make a genuine positive difference to how our laws and regulations evolve. We need to ensure that we have those mid-level practitioners present in these discussions to ensure that the practical avenues are taken up.

In response to my right hon. Friend the Member for Haltemprice and Howden (Mr Davis), one thing that Ministers might like to think about is choosing to bring to the Floor of the House those matters that we can make a big practical difference on, so that we can examine them more, help to champion them and celebrate what we are doing. That might be something that we could all agree on. I am confident that if we pass the Bill unamended, we can together bring more precision and clarity to how our law evolves. The Bill will be of tremendous advantage to all the United Kingdom.

Bambos Charalambous (Enfield, Southgate) (Lab): I rise to speak in support of amendments 18, 19, 21, 24 and 36. What is clear from the Government is that this Bill is ideologically driven, lacks common sense, avoids parliamentary scrutiny and puts rights and protections that we have had for many years at risk of being revoked and deleted. In short, the Bill plays Russian roulette with our rights and protections, and the Government cannot even tell us how many or give us an exhaustive list of which ones. When the Government unite groups ranging from the RSPB to the Law Society in opposition to the Bill, they should take note. This Bill creates uncertainty and is careering at great speed towards the edge of a cliff on 31 December 2023.

If the Government want to ensure that workers' rights and environmental protections are not lost, they will have no problem in accepting amendments 19 and 21, which would exclude those rights and protections from the 31 December sunset clause and stop them from falling off a cliff edge. The Government have adopted 31 December as the date for the sunset clause, but they have not told us why. If they cannot even provide a definitive list of all the EU retained law that will be revoked in time for that date, surely that suggests we need more time to get the list ready.

Considering the wide range and extent of the rights and protections that we know about, surely having a longer sunset clause will help the Government to give

greater certainty, which we were told was one of the reasons for the Bill. The Government should therefore have no problem at all in accepting amendment 18, which extends the sunset clause to 2026. It would also allow the Government greater opportunity to bring Bills for primary legislation, allowing greater scrutiny by the House in replacing the retained law that they propose to delete.

The Minister has continually failed to answer the question of exactly how many retained EU laws will be revoked under the sunset clause, and I do not understand why that is a problem. Surely all the retained EU law is there before us, and we should be able to find out exactly which regulations need to be retained and which will be deleted? There is no excuse. No new EU law has come about since we left the European Union, so that retained law should be easy to find. I cannot understand why we do not know which laws will be revoked under this Bill.

Amendment 36 requires the Government to publish an exhaustive list of every piece of legislation that is to be revoked under the sunset clause. Parliament should not be asked to vote on the revocation of these laws when we are not aware of which laws or how many there are. We need to be told, because that is one of the very points of having this Bill before us.

On the Henry VIII powers that the Bill gives to Ministers, which are designed to avoid parliamentary scrutiny, what are the Government afraid of? We should have parliamentary sovereignty; we should be the ones to decide which laws we want to retain and to revoke. Primary legislation should be brought for the laws that are revoked. There is no excuse for the clause to be there. Do the Government deny that there is a need for primary legislation? There will be laws revoked for which there will need to be legislation. Which ones are they and why can they not be put into a Bill and brought before this House? That would give the House greater scrutiny and allow us to ensure that we do not accidentally lose certain laws.

4.30 pm

The Bill is a bonfire of our rights and protections. The haste with which it is being brought through Parliament and the 2023 sunset clause put us in serious danger of things being accidentally revoked and our rights and protections being lost. The amendments proposed make a bad Bill better, and the Government would be wise to support them. If the Government press ahead with the Bill unamended, they will have to explain to the House when any rights and protections are lost after 31 December, and they cannot then say that they were not warned.

Sir John Hayes: The great constitutional theorist A.V. Dicey declared:

“The principle of parliamentary sovereignty means neither more nor less than this...that Parliament has the right to make or unmake any law whatever”.

When we joined the EU, despite the promise at the time of Europhilic politicians like Edward Heath that it was an economic community, what happened in practice was that this place paradoxically used the very sovereignty it had inherited from generations before to give up sovereignty and surrender parliamentary authority. The promise of Brexit was a repudiation of such international law making. I know that it discomforts the globalist

liberal elite that that promise will and must be delivered, but that is how it is and how it will be. The people's will must be seen and must be seen to be done, and that is precisely what this Bill is all about.

The journey since 2016 has not been easy. The doubters and deniers—the schemers and plotters—unable to let go of their Euro-federal fantasies, have conjured every trick imaginable to try to stymie Brexit. However, this Government are clear: we will deliver on the promise made in 2016 and restore parliamentary sovereignty to this country. In doing so, we will re-empower the people to whom we are answerable.

I will pick up a couple of points made by Opposition Members. I enjoyed the rhetoric of the SNP spokesman, the hon. Member for Stirling (Alyn Smith), which was as elegant as ever. I particularly enjoyed his criticism of hyperbole, which was immediately followed by a hyperbolic list of all of the things that are now at risk. Do any Opposition Members really believe that the Government or Government Members want less safety for our workers, dirtier rivers and less protection of the environment? If they do, they cannot have listened to what Members on the Tory Benches have advocated and fought for, in many cases, for years.

It is an absurdity that, six years on from the referendum, we remain shackled to thousands of articles of retained EU law. I accept that whether we keep, amend or discard those articles needs to be a thorough process, but there must be a single means of delivering that process, which is precisely what this Bill is. Some claim that this is a power grab, but this process—this business of secondary legislation; this use of statutory instruments—was how these regulations found form in the first place. It is a well-established practice that Governments through time have used to deal with such matters, and will again.

That detailed practice requires a Bill of the kind that has been drafted. Without such impetus, we risk wallowing in the malaise and self-doubt that can too often infect those tasked with grand undertakings. After six years, the British people deserve a deadline by which they can know for certain that Britons will live exclusively under British law, free from the interference of foreign powers. This Bill delivers the very certainty that those who criticised it have called for today. Such self-confidence is anathema to the hon. Members who still balk at the audacity of the 17 million Britons who believed in Britain enough to vote for Brexit.

To hon. Members who have signed amendment 36, I say that it is, by definition, an attempt to dilute, delay and obfuscate. Such efforts must be resisted. There are those who remain unreconciled to the decision of the British people to leave the EU, but any device to perpetuate our legislative connection to the EU is incompatible with our national interest and the common good. The unamended Bill facilitates the removal of our EU hangover through all the necessary, democratic mechanisms.

The Bill is a decisive and unequivocal declaration of self-confidence in self-governance. At last, we have a Government who display such self-confidence, free of the doubt and guilt that has infected politicians on both sides of the House for far too long. Edmund Burke said that what matters

“is not what a lawyer tells me I may do, but what humanity, reason and justice tell me I ought to do.”

[Sir John Hayes]

What we ought to do now is deliver what the British people missioned us to do in 2016: to ensure that the laws and regulations that affect their lives are made in this House and that their Government are free to lead that process.

I enjoyed the speech of hon. Member for Ellesmere Port and Neston (Justin Madders), which was rather like a Russian novel—very long but with good bits—but he must know that there are any number of ways in which Ministers are accountable to the House. For example, they can be questioned orally and in writing, and they can be challenged through Opposition day debates, Standing Order No. 24 debates and urgent questions. Ministers should and will be held to account by both sides of the House in all kinds of formal and informal ways, but we could never hold to account those foreign powers that dictated our laws for far too long.

Now, we escape.

Ian Blackford: The right hon. Member for Haltemprice and Howden (Mr Davis) described the Bill as a pig in a poke. I think it is a pig in a poke that the Government have put lipstick on. We have heard about taking back control many times this afternoon, so I am at a loss to understand why Government Members would go through the Lobby in support of this Bill. In effect, a whole range of legislation will be wiped out, but they do not know what it is or what authority they are giving to the UK Government. They do not even know whether it will be 3,000, 4,000 or more pieces of legislation. It is extraordinary that a group of people who want to take back control are giving authority to the UK Government to do what they like without any scrutiny in this House—that is exactly the point of the Bill.

We have heard that we should not worry, because we will have statutory instruments and the ability to hold the Government to account, but the last time that the Government were defeated on a statutory instrument was in 1979—my goodness. Those who want to take back control talk about parliamentary sovereignty and the lack of democracy in the European Union, but all that they are doing is giving untrammelled powers to Ministers to do what they like. There is nothing that the Opposition or Government Back Benchers can do to effectively hold the Government to account. What an extraordinary set of circumstances.

SNP Members have always accepted that it is the right of others in other parts of the United Kingdom to determine their future. They want to leave the European Union, but we reject that—of course, we do not want to leave. As my hon. Friend the Member for Stirling (Alyn Smith) said, according to a recent opinion poll, 72% of the public of Scotland want to stay in the European Union. We have a tale of two different Parliaments moving in different directions. It is clear that Scotland is on a journey to independence and we will rejoin the European Union as a member, hopefully soon. To do that, however, we need to remain aligned with the European Union.

This is about democracy. We have referred to the Scotland Act 1998 on many occasions, as we did yesterday in the debate on section 35, and it is worth reflecting on the difference between what happened there and what is

happening today. We have a Parliament in Edinburgh that we are proud of. There was a majority in that Parliament for legislation that was passed before Christmas, yet this Government in London can bring in legislation under the Scotland Act that strikes out an Act of the Scottish Parliament and there is nothing we can do about it. In this particular case, the legislation impinges on domestic legislation and devolved legislation in Scotland. The principle was established in the Scotland Act that in order to do that the principle of consent stood—the so-called Sewel convention. That means the devolved Government in Edinburgh, and in Cardiff and in Belfast, have to give consent for matters that affect domestic legislation. Yet we are told to go and stick it—the view of the Scottish Parliament and the Scottish Government that this is not in our interest and we do not consent to it.

We saw yesterday that a UK Government can strike down a Bill of a Scottish Parliament. Why does not the Scottish Parliament have the right to say to this Government that they are doing that without our consent? That demonstrates to the people of Scotland that devolution as it works at the moment means Westminster continues to call the shots. Westminster determines what happens in devolved legislation. It is a wake-up call to the people of Scotland in the debate we are having on independence that, if we want to secure the right to determine areas such as the economy, the environment and consumer protection, we cannot rely on the Westminster Government to protect our rights and we cannot stop a UK Government interfering in what are devolved matters. If we want to secure that protection, if we want to secure our rights, if we want to celebrate the joys we had of European membership from 1973 until now, we need to take the final steps.

Look at what has happened in this House this week: there has been the threat to the right to strike, the threat to democracy in Scotland yesterday, and the threat to the values and protections we have built over many years in the European Union. All are being swept away. This is a United Kingdom turning the clock back, moving backwards. We want to move forwards as a member of the European Union. That is why today we will push our amendments and reject this Bill.

Mr David Jones (Clwyd West) (Con): The measures in the Bill are wholly necessary and greatly welcome. The retention of EU law after our departure from the European Union was certainly necessary in order to maintain temporary legal equilibrium and avoid gaps in the UK's statute book. However, as time has passed, it has become increasingly anomalous for the United Kingdom to have a large body of foreign-derived legislation that is accorded supremacy over our own domestic law.

After almost half a century of EU membership, the United Kingdom has automatically absorbed a vast amount of EU legislation, which was either directly imposed or created by domestic subordinate legislation. Much of that legislation is probably obsolete. It was telling that around 1,400 items of EU law that everyone had apparently forgotten about were recently discovered in the National Archives. It seems self-evident that those pieces of legislation could not possibly have been of much practical utility if everybody had forgotten about them, but despite the fact that those items of law had been forgotten, they continue to have special status in our domestic legal system. Not only do they have

supremacy over our domestic legislation, but they are interpreted in accordance with the general principles of EU law, rather than those of our own indigenous systems. They are a kind of EU cuckoo in the nest of the common law and Scots law.

It appears there are in total about 3,800 items of retained EU law, and the Government are entirely right to have decided to review them as quickly as possible and remove or assimilate them as appropriate. Furthermore, the Government are right to set out an ambitious timetable for the completion of that exercise through the sunset provisions of clause 1. Amendment 36 would hamper that process. The sunset provisions of clause 1 are of course intended to encourage and incentivise Government Departments to press on quickly with the exercise of identifying and reviewing individual items of retained EU law that affect them. Those Departments will then make a decision as to whether those items of law should be revoked, pursuant to clause 1, or assimilated into the domestic legal system, pursuant to clause 6. That is an entirely sensible process, which will ensure that those items of retained EU law that are not revoked pursuant to clause 1 become subject to the ordinary processes of the domestic legal system. That will be beneficial to businesses and citizens in that the well-understood principles of common law or Scots law, with their nimbleness and certainty, will apply to assimilated law rather than the unpredictable purposive approach of the EU legal system.

4.45 pm

The proponents of amendment 36 suggest that the clause 1 sunset procedures would somehow diminish the role of this House. However, the exercise of reviewing retained EU law, which will precede the automatic revocation through the clause 1 provisions, will be carried out by Ministers who are responsible and answerable to the House; it will not be a clandestine exercise carried out in secret. The Government dashboard contains a catalogue of retained EU law and will be constantly updated. There will therefore always be a visible, readily available snapshot of what law is to be subject to the sunset provisions. Those provisions are absolutely necessary for the proper functioning of the Bill. Without them, the process of regularising the domestic statute book would be significantly impeded. I am sure that is not what the amendment intends.

It is also important to note that the sunset provisions do not affect primary legislation implementing EU directives; they affect only direct EU law, which of course was imposed without any input from the House, and secondary legislation.

In the last few days, many hon. Members will have received campaign emails suggesting that valuable rights acquired under EU law will somehow be jeopardised by the Bill. The suggestion appears to be that they will be swept away under the sunset provisions as a consequence of the lack of intervention by ill-intentioned Ministers. That completely ignores the fact that, as many hon. Members have said, many rights enjoyed in this country, including those relating to employment, equality or the environment, are the product of domestic law, which exceed the provisions of EU law. It also ignores the fact that Ministers are always answerable to the House, and I have no doubt that Mr Speaker would be quick to allow urgent questions if there were real concern that

important rights were to be prejudiced by the application of the sunset provisions. Of course, we have heard the undertakings that my hon. Friend the Minister has given from the Dispatch Box.

In short, clause 1 is an important provision that will restore the integrity of the domestic legal system. The sunset provisions will ensure that that happens swiftly and efficiently. Amendment 36 would significantly impede the process established by the clause and should therefore be rejected.

Ruth Cadbury (Brentford and Isleworth) (Lab): What is it about the Conservative party and its predilection for avoiding scrutiny in the House? It tried that during the withdrawal Act process, and even to some extent during the Australia and New Zealand free trade agreement debate. Now it is at it again. Of all the concerns that I and hundreds of my constituents have about the Bill, I will focus on a single, central topic: democracy and, specifically, how this legislation directly attacks the very system underpinning our democracy in Westminster.

Some might ask, “How could a Bill that repeals laws attack our democracy?” It is simple. The Bill gives huge and sweeping powers to Ministers to wipe out laws that already exist: important laws that govern everything from our rights at work to protections for our planet. This is not a party political issue—I see that many right hon. and hon. Members on the Government Benches have put their names to amendment 36, tabled by my hon. Friend the Member for Walthamstow (Stella Creasy), which I will support along with those tabled by my Opposition Front-Bench colleagues.

As I stand here, I think back 250 years to a predecessor of mine, the hon. Member for Middlesex, John Wilkes, who is famous in Brentford for being the cause of the riot at the 1769 election hustings in the Butts in the centre of Brentford. It is a tree-lined square filled with elegant houses, many of which were probably standing then. John Wilkes was at first a radical journalist with a flair for words and a sharp tongue, but more importantly he fought for both the rights of parliamentarians and the rights of his electors. He stood up repeatedly for the rights of the majority of the electors in Middlesex, who sent him to Parliament as their representative. Despite Parliament repeatedly trying to exclude him, because of his locally popular but nationally unfashionable views, he was re-elected again and again, and Parliament kept trying to exclude him. Parliament won the battle to exclude him but not the war, and six years later he was again elected. In 1782, Parliament finally expunged the orders and resolutions it had passed to try to get rid of him.

Why do I speak about an election held 250 years ago, apart from grabbing for a constituency link in this debate? It relates to a simple and historical right—the right of our voters to elect Members to represent them in this House of Commons, where we vote on and scrutinise legislation. We have seen a remarkable number of changes since Wilkes’s time, and probably one of the most important is that the franchise eventually spread to all women and men. However, a constant is the right of Members of this House, not Government Ministers and their civil servants, to amend and change the law.

The laws that this Bill covers impact on our constituents every single day. We sit in this House not only to try to stop bad laws being passed, but to ensure that much-needed laws remain, such as laws that protect pregnant women

[Ruth Cadbury]

from being sacked; laws that protect our planet from toxic chemicals; laws that protect vehicle occupants and other road users, and airline passengers; laws that provide regulatory certainty for business; and much more. Then there are all the laws that the Government are not currently aware of because they do not have a complete list. Yet this Bill removes this power from elected Members and passes powers directly to Ministers, and those powers turn Government Ministers into monarchs—monarchs of old—who are able to remove our laws at the stroke of a pen.

With this legislation we see a bonfire being stoked, on to which we know the Government wish to throw our hard-won rights in order to watch them burn. Tonight this House has a chance to reject this bonfire. I will be supporting amendments that protect these hard-won rights and these good laws, and will ensure that this House has the final say on those that need repealing, amending or keeping, not the petty monarchs on the Treasury Bench.

Lia Nici (Great Grimsby) (Con): There has been a lot of discussion about democracy this afternoon. I would just point out that 70% of my constituents voted to leave the EU, and they did not realise then that six and a half years later we would still be having to have these conversations; that we would still be subject to EU law imposed on them with no democratic right to have any discussion in place; and—horror of horrors—that people in this place would be saying it may be at least 10 years until we can revoke or assimilate these laws. We need to make sure we are delivering for our constituents.

The discussions about this are just absolutely sad and appalling, because I have to say that the only argument the Opposition seem to be making is that there is a lot to do. Well, there really is a lot to do, and we need to get on with it. That should not be a reason for us not actually doing our jobs.

We do not want to be subject to EU laws for longer than we have to be. Our systems work differently, and we want to be a sovereign UK in which we know we are moving back to our own way of working in UK law and our court system.

I have to say, very sadly, that this seems to be “Project Fear 2”. Talking about bonfires and going to the edge of a cliff is a really irresponsible way of dealing with the issue. Our electorate want us to make sure we are getting on with the job. Opposition Members talk about Ministers acting as petty kings. Ministers are elected Members of Parliament who are subject to their own electorate and to us in this place. It is very regrettable that the Opposition talk in that way. The reality is that, when I am knocking on doors, people know that if the Labour party got into government, it would want to take us back into the EU in a heartbeat. Labour Members want this process to take as long as possible because they want to rescind the work that is being done. That is the reason why the Conservatives are in Government and why we have a very strong majority.

The Ministers have worked incredibly hard and have been incredibly clear, despite the tsunami of nonsense from the Opposition, and I will be supporting the Bill wholeheartedly.

Hywel Williams: Alas, I am going to add to the tsunami of nonsense, as it was termed a moment ago.

I rise to speak to amendments 38 and 39, tabled in my name and those of my right hon. and hon. Friends. I see the Minister is back in her place. I welcome her undertaking to me earlier that the dashboard of retained EU law will be updated to identify which legislation is reserved, which is devolved and how Welsh legislation might be affected. I look forward to seeing that in short order.

It is no wonder that we are debating amendments tabled by the SNP, the Alliance party and Plaid Cymru aimed at preventing the UK Government legislating in areas of devolved competencies. The UK Government have cut the Welsh Government out of post-EU funding schemes, rendered the Sewel convention almost valueless, and yesterday made it clear beyond any doubt that the Union is not a partnership of equals, when they vetoed legislation passed with overwhelming cross-party support in the Scottish Parliament.

The protections offered by amendments 28 to 30 and 37 to 39 are vital as it becomes clearer still that our rights are not safe under Westminster. The Government seek to undermine the democratic right to strike, the democratic right to peaceful protest, and the media's ability to report matters of public interest and importance. And now before us we have this dangerous Bill threatening the rights and protections we gained as an EU member as fuel for their Brexit bonfire.

I add Plaid Cymru's support for amendments 19 and 20, tabled by the Opposition, which would prevent the UK Government revoking vital protections for workers. In my view, the way to protect Welsh workers' rights for good is to devolve employment law to enable the Welsh Government to legislate on a wide range of matters, but that is not quite in scope for this debate. It is important, however, given that the UK Government seem to have given up any pretence of doing so themselves. Instead, the Welsh Government are lumbered with the consequences of this impractical, dangerous, costly and wholly ideological legislation. The Counsel General for Wales, Mick Antoniw, has warned that the Bill could lead to the Welsh Government's own legislative programme being almost completely overwhelmed, with significant financial and resource implications. And this at a time when our focus should be on supporting households and businesses struggling with cost of living pressures.

The Bill is an unwelcome, unnecessary and politically driven distraction. It risks reducing standards by allowing key pieces of legislation simply to lapse, placing even greater pressure on businesses who trade with the EU, while eventually and inevitably giving rise to a whole new batch of red tape. But we should worry not, of course, as that red tape will be true blue British red tape and beyond criticism!

I am happy to support amendment 36, which would require the Government to publish a list of the legislation being revoked by the sunset clause. That, at least, would simplify comprehensive scrutiny of the legislation affected and any further consequences. Unsurprisingly, the Government are baulking at it, either as a deliberate blocking tactic or—perhaps more likely—because of that special blend of arrogance and exceptionalism that got us into this position in the first place.

On Second Reading, I asked a question of the then Minister, the hon. Member for Watford (Dean Russell), but unsurprisingly I got no answer. The Welsh Government say that they cannot advise the Senedd to grant legislative consent to the Bill at the moment. Can the present Minister tell us whether her colleagues in the other place will now address the Welsh Government's request for "concurrent-plus" powers?

5 pm

Peter Aldous (Waveney) (Con): I have concerns about the Bill in its current form. Those concerns are informed partly by the National Farmers Union, of which I am a member through the family farm of which I am a partner, but they also apply to all other sectors of the economy and to all means of protection and regulation, whether they relate to the environment, to consumers or to workers. They are concerns of practicality, not of principle, and are driven by a desire to improve the UK's regulatory and legal framework after our departure from the EU.

My principal worry is that the requirement to revoke all EU legislation by the end of this year is unrealistic. Such a sudden sunset clause sets a framework for bad and hasty lawmaking, although I acknowledge that the Bill makes provision for the deadline to be extended in certain circumstances.

Let me make some brief observations. Nearly seven years after the referendum, it is right that this process is finally being legislated for. There are many aspects of the law that require improvement and reform, but that needs to be carried out in a considered, not rushed, manner, with a proper review process set out and with full consultation.

The scale of the task, given the timescale proposed, is enormous. There is real worry about whether Departments such as DEFRA have the capacity to carry out the work, or whether other important work, of which there is much in these challenging times, will be given a lower priority as an unintended consequence. DEFRA alone has approximately 600 pieces of legislation to go through, and there may well be regulations of which it is unaware. A rash striking out of all laws by a set date could leave gaps in the law and the regulatory framework.

We should keep in mind the implications for the Government Legal Profession, in which morale is already low. A recent survey found that a third of its staff want to leave within a year. As well as the possible environmental and consumer protection risks that might inadvertently be created, there is also a worry that there will be a negative impact from a business perspective, with attention being diverted, uncertainty created and investment decisions delayed or cancelled.

In conclusion, I am worried that the Bill appears to be a continuation of the approach that has been adopted since Brexit: a rush, with no considered long-term plan in place, to carry out work such as agreeing trade deals that justify Brexit. We seem to be striving for quantity rather than quality. We are in danger of losing sight of what should be our ultimate objective: to put better arrangements in place than we had when we were in the EU. I fear that in its present form the Bill puts that aim at risk. I hope that in the Minister's winding-up speech and in the other place, the Government will allay my concerns. They would do well to adopt the four-point improvement plan that my right hon. Friend the Member for Chelmsford (Vicky Ford), who is not in her place, set out earlier in the debate.

Mick Whitley (Birkenhead) (Lab): Less than 48 hours after we stood in this House to defend the right to strike, my hon. Friends and I find ourselves once more having to stand up to protect our constituents' most basic rights. The right to holiday pay, working time regulations, data protection rights, and countless vital environmental and consumer protections have all been carried over from European law. These were not given to us as an act of benevolence by Brussels; they were hard fought for by trade unionists and activists working across Europe, and now they are all at risk as a result of the proposals that the Government have put to the House today.

In 2016, my constituents voted narrowly to leave the EU. They had many reasons for voting as they did, and I have always argued that their will should be respected, but not a single one of them voted for the kind of chaos that Ministers are preparing to let loose today. This is a colossal undertaking, far larger than the Minister seems to realise. The Government have failed to provide an exhaustive list of all the retained law that they are preparing to sweep from the statute books, but experts are warning that nearly 4,000 pieces of legislation could be affected. In order to make this act of legislative vandalism possible, the Secretary of State is proposing to give himself unprecedented powers to repeal and rewrite laws and regulations governing almost every aspect of our lives, with almost no scrutiny and with no guarantees as to what will replace them.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Industry bodies are currently concerned about the divergence of regulation, which is a divergence over time, because the UK is not keeping up. Will the Bill not make the exporting situation and the economic situation in the UK a lot worse?

Mick Whitley: The hon. Member has made a good point. There is no doubt that this will cause an absolute divergence.

It is ironic that a party that has so often argued that power should reside in this House and not in Brussels, or even in the democratically elected Parliament of Scotland and the Welsh Senedd, is now attempting to cut MPs out of the legislative process entirely. The Bill represents a power grab on the part of the Executive of a kind almost unheard of in a parliamentary democracy. That is why I am so grateful to my hon. Friend the Member for Walthamstow (Stella Creasy) for tabling amendment 36. It guarantees Members of this House their right to oversee what will undoubtedly be an extraordinarily complex and lengthy process, and it reaffirms a principle that is so fundamental to this country's constitution: that laws should be made in this House in the full view of the public, and not cooked up by Ministers using obscure parliamentary procedure.

I have listened closely to the arguments advanced by Conservative Members, and I have yet to hear a single convincing case for why the Government should proceed with this Bill. For many of my constituents, every day is a struggle. They desperately need to see action to boost wages, tackle the scourge of fuel poverty, and support the NHS through the worst crisis in its long history. Instead, the Government are deciding to waste precious time and resources on this needless, reckless, and utterly ill-considered shake-up of the law. On this, as on so much else, this Government have their priorities all wrong.

Patrick Grady (Glasgow North) (SNP): It is interesting to hear some Members go on about how retained EU law has a special status in UK law. It is only special because the UK says it is; for everyone else, it is just “the law”. Yes, it has been inherited from our time in the EU, but that was the point of incorporating it in the first place, and now it governs and regulates thousands of aspects of our daily lives, and, as we have heard from a number of Members, protects a great many of our hard-won rights and freedoms.

It is a contradiction to say that this Bill, particularly or uniquely, somehow asserts or reasserts parliamentary sovereignty. Every Bill passed in this House asserts parliamentary sovereignty, even for those of us who believe in popular sovereignty. That is the point. As my hon. Friend the Member for Stirling (Alyn Smith) said at the start of the debate a long time ago, there is not a single law, regulation or rule in the corpus of retained EU law that the Government, through this House, could not repeal, replace or reform at any time of their choosing through primary legislation.

In her opening speech, the Minister herself reeled off all the great Brexit Bills and Acts that Parliament has already passed. That proves the point that we do not need the powers in this Bill, and we certainly do not need the sunset clauses and cliff edges that it establishes. The Bill reveals contempt for parliamentary sovereignty—a massive power grab from this House and the devolved institutions, and unprecedented power placed in the hands of Ministers and the Whitehall mandarins who have simply stepped in to replace the Brussels bureaucrats so hated by the ERG and their Brexiteer friends.

If the Government genuinely believed in parliamentary sovereignty and the devolution settlement, they would accept the amendments tabled. They would pay particular attention to amendment 36, as everyone has remarked and several of their Back Benchers have signed. Many constituents in Glasgow North—in which, incidentally, 78% voted to remain in the European Union; I make no apology for standing up for their views—have told me that they believe the amendment will offer at least some degree of protection from the bonfire of rights and freedoms that this Bill represents.

The Government could admit that the game is up and that there is no prospect of seriously reviewing the thousands of regulations that make up EU retained law by the end of this year. They could accept SNP amendment 33 to drop the sunset clause altogether. At the very least, they could accept amendments 28 to 31, which would protect the powers of Scotland’s Parliament and Government to legislate in areas that were already supposed to be devolved under the terms of the Scotland Act. They say there is no power grab, but they have grabbed powers that should have come from Brussels directly to the Scottish Parliament.

But the Government will do none of those things. They will press ahead with the fantasy that this Bill is necessary in the first place, and that its aims are achievable within the timescale set out. It is perhaps ironic that in “Star Trek” there was an evil race called the Borg who would come to assimilate entire planets and civilisations into their collective consciousness. That is how the Brexiteers viewed the European Union. Now, it is the Government who want EU retained law to be renamed “assimilated law” on the statute book. Nothing else will

change and the effect of the laws will be the same, but references to the hated European Union will have been purged. What a huge achievement.

Unlike the Borg or the UK Government, it is the EU laws that have protected and enhanced our liberties, freedoms and basic health and safety in these islands over the past 40 years. This Bill, and the Government’s refusal to accept any amendments this evening, expose the Government’s true agenda. By scrapping retained EU law, they want to create a race to the bottom, a buyer-beware, survival-of-the-fittest economy that pays minimal regard to democratic oversight and even less to the welfare of the poorest and most vulnerable. That was the Brexiteers’ agenda all along: stuff the consequences playing out in society and the economy all around us.

Once again, with a rather heavy dose of irony, it will fall to the unelected House of Lords to stand up for democracy and against the worst excesses of this Tory Government. The Government will come back after the Lords have dealt with this Bill with their tail between their legs, admitting that what they proposed was never viable in the first place. For people in Scotland, there is another option—a route out of this Tory madness and back into the partnership, community and mutual respect of the European Union. That is the popular sovereignty that comes with independence.

Mr Deputy Speaker (Mr Nigel Evans): I congratulate the hon. Member on his reference to “Star Trek” on Report. At least he referred to the amendments as well.

Margaret Greenwood (Wirral West) (Lab): Through this pernicious piece of legislation the Government seek to give themselves the power to scrap a whole host of legal protections that we currently enjoy, including hard-won employment rights and environmental protections. Through the Bill, a sunset provision will be placed on retained EU law, causing the vast majority of it to expire at the end of 2023. It could apply to more than 2,400 pieces of legislation. Indeed, reports suggest that the figure could be as high as 4,000.

The laws in question cover areas including environmental protection, food safety, civil aviation codes, health and safety in the workplace, employment law, parental leave, intellectual property, product safety, biosecurity, private pension protections, vehicle standards and noise pollution. The very idea that the Government should give themselves the power to discard such a large amount of legislation is shocking indeed. Decisions about UK law should be made in Parliament, not by Ministers. I therefore support amendment 36, which would require the Government to publish an exhaustive list of every piece of legislation being revoked under the sunset clause in the Bill and which would give the House of Commons the ultimate say on which legislation is affected. This would take power out of the hands of Ministers and provide transparency.

5.15 pm

The TUC has highlighted that rights that could be lost through the Bill include rights relating to holiday pay, agency workers, pregnant workers, maternity and parental leave and terms and conditions for workers whose employment is transferred to another employer, so I support amendments 19 and 20, which seek to safeguard protections for workers, because it is vital that we protect workers’ rights.

The Bill also puts environmental protections in peril, and I support amendments 21 and 22, which seek to address this. The Wildlife Trust has expressed profound concern that the Bill risks weakening vital protections for nature when more than ever we need stronger legislation and urgent action to reverse the decline in biodiversity and reduce greenhouse gas emissions. Greener UK and Wildlife and Countryside Link have expressed the opinion that the Bill will derail the Government's nature and climate ambitions. The Government should be listening to these views from the sector, but clearly they are not. By their actions, the Conservatives are making a mockery of their own manifesto commitment that Britain would have

"the most ambitious environmental programme of any country on earth."

It is extraordinary that the scope of the Bill includes giving Ministers the right to scrap a wide range of legal protections relating to health and safety, including the regulation of the safety of children's toys and of electrical equipment and the Control of Asbestos Regulations 2012. I support amendments 24 and 25, which seek to safeguard these laws. Asbestos is an extremely dangerous substance and it is a matter of real concern that the Government might seek to water down control of it. I pay tribute to the work of the Merseyside Asbestos Victim Support Group and the wider support group forum for the vital work they do in supporting victims of asbestos. Previously, when I asked the Government whether they had made an assessment of the potential impact of this Bill on asbestos-related legislation, their response was vague and talked of removing disproportionate burdens for business and simplifying the regulatory landscape. That is a matter of real concern. I am extremely concerned about what deregulation could mean in relation to asbestos, and I ask the Minister today for a guarantee that controls on asbestos will not in any circumstances be weakened.

It is shocking that the report by the Regulatory Policy Committee gave the Government's impact assessment of this Bill an overall red rating, meaning that the impact assessment is not fit for purpose because it has made no attempt to quantify the impacts of the individual pieces of legislation being sunsetted and no commitment has been made to do this later in the process. This Bill is an incredibly damaging piece of legislation that poses an enormous threat to many of the rights on which we rely. I urge Members to support the amendments that would remove the worst aspects of it, but ultimately I call on the Government to withdraw it.

Wera Hobhouse (Bath) (LD): I rise to speak in support of amendments 21 and 36. Losing environmental protections was a major concern for all of us who opposed Brexit. The majority of my Bath constituents and I feared that Brexit would prove a colossal mistake. At the time, our fears were branded as scaremongering, yet this Conservative Government are clearly prepared to let environmental protections fall on the bonfire of regulations. The sheer volume of retained EU law instruments means that there is now a huge danger that many will fall automatically if they are not amended or identified in time.

This is reckless lawmaking, legislating with hammer blows instead of following the evidence. The December deadline is totally unnecessary. It is clearly unrealistic to

replace all this legislation by the end of the year. There are currently only three full-time equivalent staff working on retained EU law in DEFRA. How can the Government expect them to cope with this enormous workload, and what is the rush? I have heard many Conservative Members today saying, "We don't want to be subjected to laws made in the EU." May I gently remind them that these laws were our laws? They became our laws by which we lived our lives for decades. Pulling them from under our feet without a transparent process to replace them is the most undemocratic proposal I can think of.

Amendment 21 would exempt certain environmental protections from the sunset clause. Nature provides a better chance of mitigating the worst impacts of climate change. Protecting ecosystems that regulate the climate or contain critical carbon stores must be prioritised alongside cutting emissions. This is not just about the EU; it is about a Government not caring about net zero. It is crucial that these protections are not allowed to fall needlessly to prove an ideological point. Amendment 21 would at least protect legislation such as the National Emission Ceilings Regulations 2018. These regulations require the Secretary of State to prepare an annual inventory of emissions and air pollutants, which are killers. It is about our health. The Government are frustrating every step towards a healthier planet and healthier people.

Amendment 36 would require the Government to publish a list of every piece of legislation that is being revoked under the sunset clause and to allow parliamentary oversight of that process. If the Conservatives believe in parliamentary democracy, what could possibly be preventing them from supporting this amendment?

There is huge public interest in our environmental laws. I have received hundreds of emails about this Bill from my Bath constituents, but I feel my constituents are being ignored. Amendment 36 would also provide much-needed clarity on the legislation that will be affected. Many clauses in this Bill will make settled areas of law uncertain and contested. How can we meet our net zero targets if we do not even know what environmental legislation will be standing this time next year?

There will be no coming back and no next time if we miss our net zero targets. For that reason alone, it is important to support amendment 36. Shamefully, our Government are satisfied to leave environmental protections to chance. They are intent on getting Brexit done without any idea of the cost to current and future generations.

Mr Deputy Speaker (Mr Nigel Evans): We have two more Back-Bench contributions, and then we will move on to the wind-ups. I advise Members who have taken part in the debate to make their way to the Chamber.

Geraint Davies: This is the second shameful bit of legislation the House has seen this week, the first being the Bill that will sack nurses for striking to feed their family.

The Retained EU Law (Revocation and Reform) Bill risks a bonfire of fundamental rights and protections, both at work and for the environment, that have evolved over our 47 years in the EU. I say that because the Bill will get civil servants to look at all the thousands of laws, rules, rights and protections by the end of the year and

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to decide either to abolish them, to change them—not specifically to improve them, because this Bill is deregulatory—or to continue them. If the civil servants do not have time, the laws, rules, rights and protections will end by default.

Various protections and rights are likely to fall out of bed because civil servants do not have enough time to look at them. Of course, 100,000 civil servants are now going on strike, and 80% of these laws are in DEFRA, which has only three people looking at retained EU law. There are currently enough problems in DEFRA, including the sewage being pumped out along our coasts and rivers where we used to have so-called EU blue beaches. There are air quality problems, with 63,000 people dying prematurely each year at a cost of £20 billion. Of course, the EU wants to get to the World Health Organisation target of 10 micrograms per cubic metre by 2030, but we will leave it until 2040. The Minister's assurance that we will do as well or better than the EU is farcical.

One in four people in Britain is in food poverty, and we do not have enough people to pick the fruit or butcher the meat. We cannot export to the EU, and half of businesses are now no longer exporting to the EU. Millions of crabs, lobsters and prawns are dying from pollution off the north-east coast. People in DEFRA have enough to do without being distracted by looking through every bit of legislation and deciding whether to change, continue or abolish it, which is frankly ridiculous. They have enough on their plate—sadly not north-east crab.

The abolition of rights by default is a major risk that will come back to haunt us all, whether on rights at work, environmental rights or other rights. The other key issue, obviously, is the loss of democratic control. We were told that we would take back control, but this Bill gives all the power to Ministers and civil servants. They will look at 47 years of legislation and decide which bits to cherry-pick, which bits to forget and which bits to inadvertently drop. That is not democratic. This is not democratic and it is not what people voted for. Furthermore, it is going to be snatching from the devolutionary settlements in Scotland, Wales and Northern Ireland. We saw the instincts of the Government only yesterday, as we did on the sacking of strikers, the stopping of protests and the introduction of photo ID. Those things all show the sort of Government we have and whether we can trust them with this issue—obviously, we cannot.

Finally, this Bill is an attempt to have divergence for the sake of it. I am proud to be the trade rapporteur for the Council of Europe, charged with embedding democracy, human rights, the rule of law and sustainable development into international trade agreements. That requires our coming together over a set of rules to protect our fundamental values and our environmental future, but this Bill does the opposite. As has been pointed out, it will have the impact of reducing the amount of trade that stimulates our economy. Altogether, this is a farcical rush to wave a banner of “Taking back control”, but underneath is the pirate ship with a flag of, “Let's take control from you, do what we want and destroy your rights and protections.” Therefore, this will make the economic crisis even worse than it is already. What we

want is not a weaker, poorer, dirtier Britain, which is what this Bill and others will bring about. We want a stronger, fairer, greener future, which will happen only with a Labour Government.

Mr Deputy Speaker (Mr Nigel Evans): I know that Christmas was a few weeks ago, but here is a late present: I am not putting the clock on you, Mr Rodda, so if your speech is over six minutes, so be it.

Matt Rodda (Reading East) (Lab): Thank you very much, Mr Deputy Speaker. I am a lucky man.

I wish to speak about a number of amendments. First, I strongly support amendment 36, which calls on the Government to publish a list of the laws affected by the Bill. I also offer my support to amendments 18 and 19, which give more time for proper debate and protect workers' rights; amendments 21 and 22, on the environment; and a number of others mentioned by the Opposition Front-Bench team.

This is clearly an important Bill. It covers a large number of laws across a wide range of policy areas, including protections for workers' rights, the environment and the consumer. As the Minister said, the Bill deals with laws covering some 300 different policy areas across government. I followed her speech carefully and with great interest, and noted that she was not able to say how many pieces of law the Bill affects. That is highly important for the debate today; the Government plan to remove all this EU law, even though they do not fully understand the full list of laws, by the end of this year. They are proposing enormous changes, yet they do not even know the full scale of the change involved. As we have heard, the Law Society describe the Government's approach as having a “devastating impact on legal certainty”.

To make matters worse, the Government plan to give themselves sweeping powers to push through these changes. Ministers will be given the power to use the negative statutory instrument procedure to address such important and controversial issues, with the result that workers' rights, environmental protections and consumer rights could all be changed with barely any scrutiny. Even at this late stage, I ask the Government to reconsider that reckless approach. I hope the Minister will have time to respond to the concerns raised. I hope she will listen and take the views from across the House back to her ministerial colleagues.

I also hope the Minister will take on board the deep concerns felt by people across the country. Like other Members, I have received a large number of emails on this important issue. I have been contacted by a range of organisations as diverse as the TUC, the National Trust, the Royal Society for the Prevention of Cruelty to Animals, The Rivers Trust, the British Safety Council, the Angling Trust, Unison and the Institute of Directors. That is a formidable list of civil society organisations, so I hope that she will consider the interesting points they make about this Bill.

Mr Deputy Speaker, I very much appreciate my belated Christmas present, but I realise that time is pressing on. To conclude, the Bill is clearly deeply flawed, and I ask the Minister again to listen to the points made by Members from across the House and take them back to her colleagues.

Margaret Greenwood: I am just trying to squeeze a bit more out of Mr Deputy Speaker's kind gift. Does my hon. Friend agree that we need a guarantee from the Minister today that there will be no watering down of asbestos controls?

5.30 pm

Matt Rodda: My hon. Friend makes an excellent point. I have worked with asbestos campaigners in my own area in Berkshire. I have met them and listened to some of the stories about asbestos pollution and the effects on workers, families and other individuals who, sadly, came into contact with asbestos. She has made an excellent point, so I hope that the Minister will take that on board and take it back to her colleagues. That is one powerful example of the wide range of difficult issues addressed by the Bill and the practical problems in trying to cover such a broad range of policy areas in this way. I hope that the Minister will take that back and ask the Government as a whole to reconsider—

Geraint Davies: Will my hon. Friend give way?

Matt Rodda: I am conscious of time and, given that I have allowed one intervention, I should now conclude.

Again, I thank you, Mr Deputy Speaker, for allowing me some extra time and my hon. Friend the Member for Wirral West (Margaret Greenwood) for making the worthy point about asbestos. I hope that the Minister will take that point back, and, indeed, the wide range of other points made today by Members from across the House.

Mr Deputy Speaker (Mr Nigel Evans): Thank you. I call the Minister to wind up.

Ms Ghani: I thank everybody for their contributions, which have been measured and passionate. Many important points have been raised and I shall do my best to respond to as many as I can.

We have had quite a long list of speakers: the hon. Members for Ellesmere Port and Neston (Justin Madders) and for Stirling (Alyn Smith); the right hon. Member for Leeds Central (Hilary Benn); the hon. Members for Walthamstow (Stella Creasy), for Leeds North West (Alex Sobel), for Kingston upon Hull West and Hessle (Emma Hardy), for Richmond Park (Sarah Olney), and for Enfield, Southgate (Bambos Charalambous); the right hon. Member for Ross, Skye and Lochaber (Ian Blackford); the hon. Members for Brentford and Isleworth (Ruth Cadbury), for Arfon (Hywel Williams), for Birkenhead (Mick Whitley), for Glasgow North (Patrick Grady), for Wirral West (Margaret Greenwood), for Reading East (Matt Rodda), for Swansea West (Geraint Davies), and for Bath (Wera Hobhouse).

We also heard from my hon. Friends the Members for Stone (Sir William Cash), for Watford (Dean Russell), and for Calder Valley (Craig Whittaker); my right hon. Friends the Members for North East Somerset (Mr Rees-Mogg), for Chelmsford (Vicky Ford), for South Holland and The Deepings (Sir John Hayes), and for Clwyd West (Mr Jones); my hon. Friends the Members for Yeovil (Mr Fysh), for Great Grimsby (Lia Nici), and for Waveney (Peter Aldous). I will try my best to respond to as many issues raised as I can.

Obviously, I am here to support the Government's amendments, and I will go through in detail the amendments tabled by the Opposition. They fundamentally misunderstand that this is an enabling Bill, or they are deliberately trying to delay, deny or dilute what we are trying to achieve, which is, basically, delivering the Brexit that we promised the public: the promise that we would free ourselves from EU law and make UK law sovereign. Laws and regulations that manage our lives should be rooted here in this country and that is a law that should be supreme. Fundamentally, that is what we are trying to achieve.

Much has been said about the dashboard. I should be clear: at the moment, the figure we have identified and verified for EU law is 3,200 and we expect it to be 4,000. So it is what we were expecting and the dashboard will be updated. As I said earlier, officials have been working for more than 18 months and they will continue to work with officials across all Departments and with officials in devolved authorities.

Angus Brendan MacNeil: We know that Brexit has damaged the UK's GDP, but has any assessment been made—I have spoken to industry bodies, particularly those involved in exporting—of potential damage from the divergence of regulations? Have industry bodies been consulted, or has an assessment been made of the damage to the UK's GDP from this Bill? I imagine that it is going to be considerable.

Ms Ghani: The report today said, in contrast to the hon. Member's comment, that we are one of the top countries to invest in globally. I am anxious to hear where he thinks the damage is being done.

I wish to address some of the amendments that misinterpret what the Bill does when it comes to workers' rights. Workers' rights are often rooted in UK law—they often started here, not in the EU—and the UK Government will not abandon our strong record on workers' rights. We have some of the highest standards in the world. Why would we change that, if we started it and campaigned for it? In many areas, our workers' rights are much stronger than those in the EU.

We have talked about maternity leave, maternity rights, flexible working, annual leave and the national living wage: all those things started here. Amendments that propose a carve-out for workers' rights, which are not under threat because they started here, are a bit absurd.

Comments were made about product safety. The Government are committed to protecting consumers from unsafe products being placed on the market now and in the future. Of course that would be the way we do business. We are finalising a consultation setting out the next steps in delivering the Government's ambitions for a new product safety framework. Our proposals include changes to save time and money for business.

Geraint Davies: On product safety, and specifically on asbestos, since it has been raised, the Minister will know that the precautionary principle means that chemicals that may be hazardous must be proven by the manufacturer to be safe. In the United States, the Environmental Protection Agency must prove they are hazardous, otherwise they can be sold—hence asbestos is sold in bricks in America. Can the Minister guarantee that there will be no shift to the American regime, which puts the onus on

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the Environmental Protection Agency and not the manufacturer? If there is, we will all be at risk of asbestos.

Ms Ghani: That is why we are going through EU legislation—to identify that and to make those decisions. I will respond to the hon. Gentleman's point directly, but in his speech he mentioned his time at the European Council, and I believe that when he was there—

Geraint Davies: The Council of Europe.

Ms Ghani: The Council of Europe, forgive me. When he was there recently, the hon. Gentleman was open in saying that, when a Labour Government are in power, they will return us to the EU. If that is his motivation, I understand why he makes these points—

Geraint Davies: That is a lie.

Madam Deputy Speaker (Dame Rosie Winterton): Order. No, no.

Geraint Davies: I withdraw that. It is untrue.

Madam Deputy Speaker: Does the Minister wish to take an intervention? No. Okay. The hon. Gentleman has withdrawn what he said. Thank you.

Ms Ghani: If his remark had not been withdrawn, I would have read out the quotation.

To return to hazardous substances, the UK Government and the devolved Administrations, within their respective territories, will follow the usual procedures but take into account the principles set out in the hazardous substances common framework. Part of the process we are going through is identifying what the laws are so that we can take a decision.

On animal welfare, there has been a lot of misinformation. Especially since 2010, we have regulated for chickens, battery cages, mandatory CCTV in slaughterhouses, mandatory microchipping in dogs—a huge amount of work has been done.

When it comes to the environment, many of our standards started here, and we should be proud of them. We have the world-leading Environment Act, which has dramatically strengthened environmental regulations. Moreover, the EU model has not stopped the decline in our natural world. Of course there is much more that we need to do, and we will: we have our own legally binding targets, we are committed to halting the decline in nature by 2030 and we are among the first countries in the world to commit to net zero by 2050.

A point was raised about flight compensation. The Department for Transport published the aviation consumer policy reform consultation back in 2022, and the proposals will look into aviation consumer protection, redress for breaches of consumer rights and reform to compensation for delays or for damaged wheelchairs and other mobility equipment. When I was a Minister at the Department for Transport, we went much further than our European counterparts in ensuring protection for the most vulnerable people.

Stella Creasy: The Minister is setting out a number of laws, and she has just said on the record that she has verified 3,200 pieces of legislation. The dashboard still says 2,400, and she says the ultimate number will be 4,000. Can she just clarify that she is asking us today to vote for her Ministers to have power over 1,600 undefined, un-public pieces of regulation? She is shaking her head, but that is the maths, and she has to be open with people about what is at stake with this legislation. Is it 1,600 pieces that are missing, or is the number higher or lower?

Ms Ghani: The dashboard will always be updated as new EU law is being discovered. The fact that it has to be discovered and that we need to go and identify it tells us that there is a problem. We have verified a substantial amount. It could be up to 4,000 laws, but this gives each Department time to assess, amend, assimilate or revoke.

On new clause 1, the sunset is a fundamental aspect of the Bill. The sunset date of 31 December 2023 was chosen to incentivise and accelerate a programme of reform that is well under way. Although 2023 may be an ambitious deadline, it has been years since we voted in favour of leaving the EU, as colleagues across the House have noted, so it is absolutely right for our constituents to expect us to be able to remove outdated laws in that time. There is also an extension, up to 2026, if Departments need more time to consult and take decisions on the EU laws that they wish to amend or repeal. That has always been in the Bill. To deliver those reforms, each Department will take its own view on how to prioritise and timetable pieces of REUL to ensure delivery before the sunset date. The Government will ensure that that work is appropriately resourced.

The criticism about the Bill enshrining a race to the bottom is just incorrect. We have sought to ensure that the powers to revoke or replace cannot be used to add to the overall regulatory burden for any particular subject area, but they do not preclude the introduction of higher standards. That will help to ensure that the UK takes a more modern, agile and proportionate approach to making regulations, and establishes a more nimble, innovative and UK-specific regulatory approach to go further and faster and in seizing the opportunities of Brexit.

On the concerns raised by my hon. Friend the Member for Calder Valley, the Government will ensure the continued functioning of the intellectual property framework, given its importance both in underpinning investment and in supporting international trade. We recognise the importance attached to stability and certainty in the area of intellectual property. Those will be prominent considerations for the Government when making decisions on REUL in this area.

Suggestions that we have delivered, or will deliver, a bonfire of workers' rights are absolutely inaccurate. As I mentioned earlier, we are proud of the UK's excellent record on labour standards. We have the best workers' rights record in the world, and our high standards were never dependent on our membership of the EU. Indeed, the UK provides stronger protections for workers than those required by EU law. I thank my right hon. Friend the Member for North East Somerset for setting out that Parliament has been legislating to protect workers' rights for hundreds of years.

Sir John Hayes: The truth is that we would have the power to do exactly as the Minister said and to introduce improved regulation where necessary and in our national interest, but that power would rest here in this House and with our Government, who are accountable to this Parliament. That is the difference; it is as simple as that. To claim anything else is a thinly veiled deception.

Ms Ghani: My right hon. Friend hits the nail on the head. We are elected to govern. Of course, it will take some work, but the outcome is that we can take the decisions here. Whether we choose to take those decisions, are anxious about taking decisions, or do not even want to know what these EU laws are—that is just a very ignorant way to be—we need to be aware so that we can take those decisions.

My hon. Friend the Member for Waveney talked about 2023 being a cliff edge. That is the time by which we wish to sunset, but there is an extension to 2026 for the bits of EU law for which Departments need more time to consult. The process has already been around for 18 months, and it has been and will continue to be considered. Department officials will continue to work together on that.

My hon. Friend the Member for Great Grimsby spoke about her constituents' concerns and anxieties about the Labour party doing everything it can to take us back into the EU. There has been a lot of fearmongering from the Labour party in the amendments that it has tabled, but in this instance, I would argue that maybe her constituents should be afraid, as I am told that the Labour leader has attempted to block Brexit at least 48 times.

Sir William Cash: Does my hon. Friend, in the light of what she has just said, recall “Project Fear”, with George Osborne and others saying, for example, how many hundreds of thousands of unemployed we would have, how the financial markets would dissolve, how the City of London would become a ghost town, and all that sort of nonsense? Does she remember all that, and where are we now?

5.45 pm

Ms Ghani: I would be giving away my age if I said I do remember it well. Fortunately, not all of that has come to pass, but I worry that my age is out there. I must thank my right hon. Friend the Member for Clwyd West for his fantastic work in Committee. He very sensibly talked about how we have absorbed EU legislation. Some of it is obsolete, and some being discovered by the National Archives is also obsolete. It is absolutely right that we have an exercise to identify and assess what is fit for our country.

Dean Russell: One of the key things here is looking at red tape that is unnecessary for small businesses. I am a great believer that businesses should focus on transforming their business and not just filling out forms. Does the Minister agree?

Ms Ghani: My hon. Friend, who was a fantastic Minister in the Department and led earlier consideration of the Bill, hits the nail on the head once again. We have an opportunity to look at regulation to see whether there is a way we can streamline it to make it even more easy for business to do business—it is as simple as that.

My right hon. Friend the Member for South Holland and The Deepings gave a fantastic speech, in which he talked about how we have surrendered our parliamentary authority and lawmaking to Brussels, but the people's will means that we need to ensure that we are delivering laws and regulations here in the UK Parliament. That is what our constituents have empowered us to do. They want to be living under British law, and that is what the Bill delivers.

My hon. Friend the Member for Yeovil talked about this Bill being overdue and, boy, how many years will we spend discussing Brexit? I agree that the Bill is overdue. It is absolutely right that we have precision and certainty and that responsibility is best placed here in UK law, not in European law with European judges.

My hon. Friend the Member for Watford made a splendid speech—he was also splendid at the Dispatch Box when he was leading the Bill—once again standing up for small business, and his assessment is absolutely right: there are many opportunities if we are able to deregulate.

My right hon. Friend the Member for North East Somerset once again thanked all the civil servants working on the programme, and I must thank him for all the tremendous work he has done on the Bill. He spoke about having a base and principles within UK law, and how we should not be relying on EU law and how EU law should not be supreme over UK law. There is nothing to fear in having UK law sovereign. We are somehow going to have to pull this plaster off, and this is obviously the time to do it. My right hon. Friend the Member for Chelmsford talked about her experience of consumer legislation, which I mentioned earlier, and I am more than happy to discuss that with her when the time allows.

Vicky Ford: Can my hon. Friend confirm that businesses will get notice of which laws will drop away at the end of this year and that Ministers will not be fearful of using the extension if necessary? Can she confirm that Ministers will look at all consumer legislation to make sure that none of it is inadvertently dropped?

Ms Ghani: Most consumer legislation is based in UK law, but officials are working with Departments, and they will be taking decisions about what they will assimilate, amend and revoke.

Several hon. Members rose—

Ms Ghani: I must make some progress; I am worried about time running out. I must also speak in particular to amendment 36, mostly because my hon. Friend the Member for Harrogate and Knaresborough (Andrew Jones), who chairs the European Statutory Instruments Committee, made some fantastic interventions. The amendment states that we need greater transparency on how the process will continue. There are opportunities to be on Committees and to scrutinise legislation, but my hon. Friend made it clear that Labour MPs have not even turned up to take their places on the European Statutory Instruments Committee.

EU law that will be amended or repealed will go through the usual channels. Business managers and the Leaders of both Houses will take decisions. The European Statutory Instruments Committee will be involved, and

[Ms Ghani]

the Delegated Powers and Regulatory Reform Committee will be involved in the House of Lords, and we have the dashboard. Nothing could be more transparent, and it will involve colleagues from across the House.

My right hon. Friend the Member for Chelmsford mentioned consumer rights. I want to put on the record that core consumer protections, as set out in the Consumer Rights Act 2015 and the Consumer Protection Act 1987, will continue to apply and remain unaffected. Furthermore, I reiterate my commitment that the dashboard, as I said earlier, will be published this month.

Turning to devolution, the Government recognise the importance of ensuring that the Bill is consistent with the devolved arrangements and remain committed to respecting the devolution settlement and the Sewel convention. The Bill will allow the devolved authorities to look at devolved law and take a decision on what they wish to assimilate, amend or revoke—decisions that they never had when we were a member of the EU. I would hope that those authorities would embrace that with both hands, not reject it.

Ian Blackford: Will the Minister give way?

Ms Ghani: I am reluctant to give way, because the intervention will end up being, “But we just don’t want to be here.” If it is on a different topic, I will give way to the right hon. Gentleman.

Ian Blackford: Will the Minister respect the right of the Scottish Parliament not to give consent to this Bill?

Ms Ghani: I find this extraordinary. The devolved authorities have the right to make decisions on devolved laws. Why would that not be embraced, instead of being rejected?

I must comment on the Bar Council’s evidence. Barrister Tom Sharpe KC noted that the Bar Council “is our trade union, and it does not speak on my behalf on this political matter...obviously”.—[*Official Report, Retained EU Law (Revocation and Reform) Public Bill Committee*, 8 November 2022; c. 24, Q43.]

An issue about deregulation was raised. It is not enshrined in any of the clauses, but the Bill says that overall burdens must be reduced.

Anthony Browne (South Cambridgeshire) (Con): I have been involved in European policymaking over a period of about 20 years, including being Europe editor of *The Times*. Something that struck me is that it is very difficult to get agreement between 27 or 28 countries, so once a law is passed it is almost impossible to change. EU laws get frozen in time and things move on. With EU laws stagnant across the economy, does the Minister think it is right that EU laws should be reviewed across the entire economy, in all different sectors?

Ms Ghani: That is what the Bill proposes, so that we are not stuck in time with EU laws made elsewhere.

This is the Parliament of one of the oldest continuous representative democracies in the world, of which the UK is rightly proud. The Bill will restore Acts of Parliament as the highest law of the land by ensuring that domestic law will take precedence over retained direct EU law. This is all part of what the British public

voted for in the referendum and the general election—for Britain to be left to do things differently and to be the supreme arbiter of our own laws. That is all that this Bill is proposing.

To conclude, the Bill will allow the United Kingdom to take the next steps in reasserting the sovereignty of Parliament. It will end the special status of retained EU law in the UK statute book and enable the Government more easily to amend, revoke and replace retained EU law, and to seize the opportunities of Brexit. I therefore ask hon. Members to support the Government’s amendments, withdraw their own amendments and support the Bill.

Question put and agreed to.

New clause 1 accordingly read a Second time, and added to the Bill.

Clause 1

SUNSET OF EU-DERIVED SUBORDINATE LEGISLATION
AND RETAINED DIRECT EU LEGISLATION

Amendment proposed: 18, page 1, line 4, leave out “2023” and insert “2026”.—(*Justin Madders.*)

This amendment moves the sunset of legislation from 2023 to 2026.

Question put, That the amendment be made.

The House divided: Ayes 239, Noes 297.

Division No. 146]

[5.53 pm]

AYES

Abbott, rh Ms Diane (<i>Proxy vote cast by Bell Ribeiro-Addy</i>)	Cameron, Dr Lisa
Abrahams, Debbie	Campbell, rh Sir Alan
Ali, Rushanara	Carden, Dan
Ali, Tahir	Carmichael, rh Mr Alistair
Allin-Khan, Dr Rosena	Chamberlain, Wendy
Amesbury, Mike	Champion, Sarah
Anderson, Fleur	Chapman, Douglas
Antoniazzi, Tonia	Charalambous, Bambos
Ashworth, rh Jonathan	Cherry, Joanna
Bardell, Hannah	Cooper, Daisy
Barker, Paula	Cowan, Ronnie
Beckett, rh Margaret	Coyle, Neil
Begum, Apsana	Crawley, Angela
Benn, rh Hilary	Creasy, Stella
Betts, Mr Clive	Cruddas, Jon
Black, Mhairi	Cryer, John
Blackford, rh Ian	Cummins, Judith
Blackman, Kirsty	Cunningham, Alex
Blake, Olivia	Daby, Janet
Blomfield, Paul	Davey, rh Ed
Bonnar, Steven	Davies, Geraint
Bradshaw, rh Mr Ben	Davies-Jones, Alex
Brennan, Kevin	Day, Martyn
Brock, Deidre	Debbonaire, Thangam
Brown, Alan	Dhesi, Mr Tanmanjeet Singh
Brown, Ms Lyn	Dixon, Samantha
Brown, rh Mr Nicholas	Docherty-Hughes, Martin
Bryant, Sir Chris	Dodds, Anneliese
Buck, Ms Karen	Doogan, Dave
Burgon, Richard	Dorans, Allan (<i>Proxy vote cast by Brendan O'Hara</i>)
Butler, Dawn	Dowd, Peter
Byrne, Ian	Duffield, Rosie
Byrne, rh Liam	Eagle, Dame Angela
Cadbury, Ruth	Eagle, Maria
Callaghan, Amy (<i>Proxy vote cast by Brendan O'Hara</i>)	Eastwood, Colum
	Edwards, Jonathan
	Elmore, Chris

Eshalomi, Florence
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Ferrier, Margaret
 Fletcher, Colleen
 Flynn, Stephen
 Foord, Richard
 Fovargue, Yvonne
 Foxcroft, Vicky
 Furniss, Gill
 Gardiner, Barry
 Gibson, Patricia
 Grady, Patrick
 Grant, Peter
 Green, Sarah
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Dame Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Mrs Paulette
 Hanna, Claire
 Hanvey, Neale
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hillier, Dame Meg
 Hobhouse, Wera
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, rh Stewart
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, rh Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, Ruth
 Jones, Sarah
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Leadbeater, Kim
 Lowell-Buck, Mrs Emma
 Lewis, Clive
 Lightwood, Simon
 Linden, David
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Mc Nally, John
 McCarthy, Kerry

McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGovern, Alison
 McLaughlin, Anne
 McMahon, Jim
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Morden, Jessica
 Morgan, Helen
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John (*Proxy vote cast by Brendan O'Hara*)
 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
 Pollard, Luke
 Powell, Lucy
 Qaisar, Ms Anum
 Qureshi, Yasmin
 Rayner, rh Angela
 Reed, Steve
 Reeves, Ellie
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Slaughter, Andy
 Smith, Alyn
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Sultana, Sarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, rh Nick
 Thompson, Owen

Thomson, Richard
 Thornberry, rh Emily
 Timms, rh Sir Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Vaz, rh Valerie
 Wakeford, Christian
 Webbe, Claudia
 West, Catherine
 Western, Andrew
 Western, Matt
 Whitehead, Dr Alan

Adams, rh Nigel
 Afolami, Bim
 Afriyie, Adam
 Aiken, Nickie
 Allan, Lucy
 Anderson, Lee
 Andrew, rh Stuart
 Ansell, Caroline
 Argar, rh Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, Gareth
 Bacon, Mr Richard
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, Mr Steve
 Baldwin, Harriett
 Baron, Mr John
 Baynes, Simon
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul
 Berry, rh Sir Jake
 Bhatti, Saqib
 Blackman, Bob
 Blunt, Crispin
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, rh Suella
 Brereton, Jack
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Sir Christopher
 Churchill, Jo
 Clarke, rh Mr Simon
 Clarke, Theo (*Proxy vote cast by Mr Marcus Jones*)

Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
 Liz Twist and
 Mary Glindon

NOES

Clarke-Smith, Brendan
 Clarkson, Chris
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Coutinho, Claire
 Cox, rh Sir Geoffrey
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, rh David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Davison, Dehenna
 Dinenage, Dame Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, rh Michelle
 Double, Steve
 Dowden, rh Oliver
 Doyle-Price, Jackie
 Drummond, Mrs Flick
 Duddridge, Sir 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
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Firth, Anna
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Foster, Kevin
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Ghani, Ms Nusrat

Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Girvan, Paul
 Glen, rh John
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heappey, rh James
 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, Tom
 Jack, rh Mr Alister
 Javid, rh Sajid
 Jayawardena, rh Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Knight, rh Sir Greg
 Kniveton, Kate
 Kruger, Danny
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Lewer, Andrew
 Lewis, rh Brandon
 Liddell-Grainger, Mr Ian
 Loder, Chris
 Logan, Mark (*Proxy vote cast by Mr Marcus Jones*)
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherylyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McPartland, rh Stephen
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, James
 Morrissey, Joy
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Murray, Mrs Sheryl
 Murrison, rh Dr Andrew
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Patel, rh Priti
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, rh Chris
 Pow, Rebecca
 Prentis, rh Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, rh Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Mary
 Rowley, Lee
 Russell, Dean
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Shannon, Jim
 Sharma, rh Sir Alok
 Shelbrooke, rh Alec
 Skidmore, rh Chris
 Smith, Greg
 Smith, Henry
 Smith, rh Julian

Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, rh Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, Iain
 Stride, rh Mel
 Stuart, rh Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trott, Laura
 Truss, rh Elizabeth

Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Warman, Matt (*Proxy vote cast by Mr Marcus Jones*)
 Watling, Giles
 Webb, Suzanne
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Sir John
 Wiggin, Sir Bill
 Wild, James
 Williams, Craig
 Williamson, rh Sir Gavin
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob
 Zahawi, rh Nadhim
Tellers for the Noes:
Mike Wood and
Stuart Anderson

Question accordingly negated.

6.7 pm

Proceedings interrupted (Programme Order, 25 October 2022).

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Amendment proposed: 28, page 1, line 6, at end insert—

“(1A) Subsection (1) does not apply to an instrument, or a provision of an instrument, that—

- (a) would be within the legislative competence of the Scottish Parliament if it were contained in an Act of the Scottish Parliament, or
- (b) could be made in subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone.”—(*Alyn Smith.*)

This amendment restricts the automatic revocation or “sunsetting” of EU-derived subordinate legislation and retained direct EU legislation under Clause 1 of the Bill so that it does not apply to legislation that is within the legislative competence of the Scottish Parliament.

Question put, That the amendment be made.

The House divided: Ayes 239, Noes 300.

Division No. 147]

[6.7 pm

AYES

Abbott, rh Ms Diane (*Proxy vote cast by Bell Ribeiro-Addy*)
 Abrahams, Debbie
 Ali, Rushanara
 Ali, Tahir
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Anderson, Fleur
 Antoniazzi, Tonia
 Ashworth, rh Jonathan
 Bardell, Hannah
 Barker, Paula
 Beckett, rh Margaret
 Begum, Apsana
 Benn, rh Hilary
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blake, Olivia
 Blomfield, Paul
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Ms Lyn
 Brown, rh Mr Nicholas
 Bryant, Sir Chris
 Buck, Ms Karen
 Burgon, Richard
 Butler, Dawn
 Byrne, Ian
 Byrne, rh Liam
 Cadbury, Ruth

Callaghan, Amy (*Proxy vote cast by Brendan O'Hara*)
 Cameron, Dr Lisa
 Campbell, rh Sir Alan
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Cooper, Daisy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Davey, rh Ed
 Davies, Geraint
 Davies-Jones, Alex
 Day, Martyn
 Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Dixon, Samantha
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doogan, Dave
 Dorans, Allan (*Proxy vote cast by Brendan O'Hara*)
 Dowd, Peter
 Duffield, Rosie
 Eagle, Dame Angela
 Eagle, Maria
 Eastwood, Colum
 Edwards, Jonathan
 Elmore, Chris
 Eshalomi, Florence
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Ferrier, Margaret
 Fletcher, Colleen
 Flynn, Stephen
 Foord, Richard
 Fovargue, Yvonne
 Foxcroft, Vicky
 Furniss, Gill
 Gardiner, Barry
 Gibson, Patricia
 Glindon, Mary
 Grady, Patrick
 Green, Sarah
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Dame Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Mrs Paulette
 Hanna, Claire
 Hanvey, Neale
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendry, Drew
 Hillier, Dame Meg
 Hobhouse, Wera
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, rh Stewart
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, rh Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, Ruth
 Jones, Sarah
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Leadbeater, Kim
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lightwood, Simon
 Linden, David
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Mc Nally, John
 McCarthy, Kerry
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGovern, Alison
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Morden, Jessica
 Morgan, Helen
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John (*Proxy vote cast by Brendan O'Hara*)
 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
 Pollard, Luke
 Powell, Lucy
 Qaisar, Ms Anum
 Qureshi, Yasmin
 Rayner, rh Angela
 Reed, Steve
 Reeves, Ellie
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Slaughter, Andy
 Smith, Alyn
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie

Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, rh Nick
 Thompson, Owen
 Thornberry, rh Emily
 Timms, rh Sir Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie
 Wakeford, Christian
 Webbe, Claudia
 West, Catherine
 Western, Andrew
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Richard Thomson and
Peter Grant

NOES

Adams, rh Nigel
 Afolami, Bim
 Afriyie, Adam
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Anderson, Lee
 Andrew, rh Stuart
 Ansell, Caroline
 Argar, rh Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, Gareth
 Bacon, Mr Richard
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, Mr Steve
 Baldwin, Harriett
 Baron, Mr John
 Baynes, Simon
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul
 Berry, rh Sir Jake
 Bhatti, Saqib
 Blackman, Bob
 Blunt, Crispin
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, rh Suella
 Brereton, Jack

Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Sir Christopher
 Churchill, Jo
 Clarke, rh Mr Simon
 Clarke, Theo (*Proxy vote cast by Mr Marcus Jones*)
 Clarke-Smith, Brendan
 Clarkson, Chris
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Coutinho, Claire
 Cox, rh Sir Geoffrey
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, rh David T. C.
 Davies, Gareth
 Davies, Dr James

Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Davison, Dehenna
 Dinenage, Dame Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, rh Michelle
 Double, Steve
 Dowden, rh Oliver
 Doyle-Price, Jackie
 Drummond, Mrs Flick
 Duddridge, Sir James
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Michael
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Firth, Anna
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Girvan, Paul
 Glen, rh John
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heapey, rh James
 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, Tom
 Jack, rh Mr Alister
 Javid, rh Sajid
 Jayawardena, rh Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Knight, rh Sir Greg
 Kniveton, Kate
 Kruger, Danny
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Lewer, Andrew
 Lewis, rh Brandon
 Liddell-Grainger, Mr Ian
 Loder, Chris
 Logan, Mark (*Proxy vote cast by Mr Marcus Jones*)
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherylyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McPartland, rh Stephen
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, James
 Morrissey, Joy
 Morton, rh Wendy
 Mullan, Dr Kieran

Mumby-Croft, Holly
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Patel, rh Priti
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, rh Chris
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, rh Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, rh Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Mary
 Rowley, Lee
 Russell, Dean
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Shannon, Jim
 Sharma, rh Sir Alok
 Shelbrooke, rh Alec
 Skidmore, rh Chris
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, rh Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, Iain
 Stride, rh Mel
 Stuart, rh Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trott, Laura
 Truss, rh Elizabeth
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Warman, Matt (*Proxy vote cast by Mr Marcus Jones*)
 Watling, Giles
 Webb, Suzanne
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Sir John
 Wiggin, Sir Bill
 Wild, James
 Williams, Craig
 Williamson, rh Sir Gavin
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob
 Zahawi, rh Nadhim
Tellers for the Noes:
Mike Wood and
Stuart Anderson

Question accordingly negated.

Amendment proposed: 19, page 1, line 9, at end insert—

“(2A) Subsection (1) does not apply to the following instruments—

- (a) Management of Health and Safety at Work Regulations 1999,
- (b) Children and Young Person Working Time Regulations 1933,
- (c) Posted Workers (Enforcement of Employment Rights) Regulations 2020,
- (d) Part Time Employees (Prevention of Less Favourable Treatment) Regulations 2000,
- (e) Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002,
- (f) Transfer of Undertakings (Protection of Employment) Regulations 2006,
- (g) Information and Consultation of Employees Regulations 2004,
- (h) Road Transport (Working Time) Regulations 2005,
- (i) Working Time Regulations 1998,
- (j) Agency Workers Regulations 2010,
- (k) Maternity and Parental Leave etc Regulations 1999,
- (l) Trade Secrets (Enforcement etc) Regulations 2018 and
- (m) The Health and Safety (Consultation with Employees) Regulations 1996.”—(*Justin Madders.*)

This amendment would exclude certain regulations which provide for workers' protections from the sunset in subsection (1).

Question put, That the amendment be made.

The House divided: Ayes 238, Noes 301.

Division No. 148]

[6.19 pm

AYES

Abbott, rh Ms Diane (*Proxy vote cast by Bell Ribeiro-Addy*)
 Abrahams, Debbie
 Ali, Rushanara
 Ali, Tahir
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Anderson, Fleur
 Antoniazzi, Tonia
 Ashworth, rh Jonathan
 Bardell, Hannah
 Barker, Paula
 Beckett, rh Margaret
 Begum, Apsana
 Benn, rh Hilary
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blake, Olivia
 Blomfield, Paul
 Bonnar, Steven
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Ms Lyn
 Brown, rh Mr Nicholas
 Bryant, Sir Chris
 Buck, Ms Karen
 Burgon, Richard
 Butler, Dawn
 Byrne, Ian
 Byrne, rh Liam
 Cadbury, Ruth
 Callaghan, Amy (*Proxy vote cast by Brendan O'Hara*)
 Cameron, Dr Lisa
 Campbell, rh Sir Alan
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Cooper, Daisy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Davey, rh Ed
 Davies, Geraint
 Davies-Jones, Alex
 Day, Martyn
 Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Dixon, Samantha
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doogan, Dave
 Dorans, Allan (*Proxy vote cast by Brendan O'Hara*)
 Dowd, Peter
 Duffield, Rosie
 Eagle, Dame Angela
 Eagle, Maria
 Eastwood, Colum
 Edwards, Jonathan
 Elmore, Chris
 Eshalomi, Florence
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Ferrier, Margaret
 Fletcher, Colleen
 Flynn, Stephen
 Foord, Richard
 Fovargue, Yvonne
 Foxcroft, Vicky
 Furniss, Gill
 Gardiner, Barry
 Gibson, Patricia
 Grady, Patrick
 Grant, Peter
 Green, Sarah
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Dame Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Mrs Paulette
 Hanna, Claire
 Hanvey, Neale
 Hardy, Emma
 Harman, rh Ms Harriet
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hillier, Dame Meg
 Hobhouse, Wera
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, rh Stewart
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, rh Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, Ruth
 Jones, Sarah
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lavery, Ian
 Law, Chris

Leadbeater, Kim
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lightwood, Simon
 Linden, David
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 McCarthy, Kerry
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGovern, Alison
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Morden, Jessica
 Morgan, Helen
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John (*Proxy vote cast by Brendan O'Hara*)
 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
 Pollard, Luke
 Powell, Lucy
 Qaisar, Ms Anum
 Qureshi, Yasmin
 Rayner, rh Angela

Reed, Steve
 Reeves, Ellie
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Slaughter, Andy
 Smith, Alyn
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, rh Nick
 Thompson, Owen
 Thornberry, rh Emily
 Timms, rh Sir Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Vaz, rh Valerie
 Wakeford, Christian
 Webbe, Claudia
 West, Catherine
 Western, Andrew
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Liz Twist and
Mary Glindon

NOES

Adams, rh Nigel
 Afolami, Bim
 Afriyie, Adam
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Anderson, Lee
 Andrew, rh Stuart
 Ansell, Caroline
 Argar, rh Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, Gareth
 Bacon, Mr Richard
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, Mr Steve
 Baldwin, Harriett
 Baron, Mr John
 Baynes, Simon
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul

Berry, rh Sir Jake
 Bhatti, Saqib
 Blackman, Bob
 Blunt, Crispin
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, rh Suella
 Brereton, Jack
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Carter, Andy
 Cartlidge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Sir Christopher
 Churchill, Jo
 Clarke, rh Mr Simon
 Clarke, Theo (*Proxy vote cast by Mr Marcus Jones*)
 Clarke-Smith, Brendan
 Clarkson, Chris
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Coutinho, Claire
 Cox, rh Sir Geoffrey
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, rh David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Davison, Dehenna
 Dinéage, Dame Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, rh Michelle
 Double, Steve
 Dowden, rh Oliver
 Doyle-Price, Jackie
 Drummond, Mrs Flick
 Duddridge, Sir 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
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Firth, Anna
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Girvan, Paul
 Glen, rh John
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heapey, rh James
 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, Tom
 Jack, rh Mr Alister
 Javid, rh Sajid
 Jayawardena, rh Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, Mr Marcus

Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Knight, rh Sir Greg
 Kniveton, Kate
 Kruger, Danny
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Lewer, Andrew
 Lewis, rh Brandon
 Liddell-Grainger, Mr Ian
 Loder, Chris
 Logan, Mark (*Proxy vote cast by Mr Marcus Jones*)
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McPartland, rh Stephen
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, James
 Morrissey, Joy
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Patel, rh Priti
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, rh Chris
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, rh Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, rh Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Mary
 Rowley, Lee
 Russell, Dean
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Shannon, Jim
 Sharma, rh Sir Alok
 Shelbrooke, rh Alec
 Skidmore, rh Chris
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, rh Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, Iain
 Stride, rh Mel
 Stuart, rh Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trott, Laura
 Truss, rh Elizabeth
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Warman, Matt (*Proxy vote cast by Mr Marcus Jones*)
 Watling, Giles
 Webb, Suzanne
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Sir John
 Wiggins, Sir Bill
 Wild, James
 Williams, Craig
 Williamson, rh Sir Gavin
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob
 Zahawi, rh Nadhim
Tellers for the Noes:
Mike Wood and
Stuart Anderson

Question accordingly negated.

Amendment proposed: 36, page 1, line 12, at end insert—

- “(3A) The Secretary of State must, no later than three months before the date specified in subsection (1), publish a list of all legislation being revoked under this section (the “revocation list”) and lay a copy before Parliament.
- (3B) With each update of the revocation list up to the date specified in subsection (1), the Secretary of State must lay an updated copy of the revocation list before Parliament.
- (3C) Any legislation not included in the revocation list, as updated, on the date specified in subsection (1) is not revoked.
- (3D) At any time before the date specified in subsection (1), the House of Commons may by resolution amend the revocation list by adding or removing instruments specified in the resolution, and the Secretary of State must accordingly lay the updated revocation list before Parliament.
- (3E) At any time before the date specified in subsection (1), the House of Lords may by resolution propose amendment of the revocation list by adding or removing instruments specified in the resolution.
- (3F) If the House of Commons does not pass a motion disagreeing with a resolution of the House of Lords under subsection (3E) within ten days of the date of that resolution, the Secretary of State must amend the revocation list in accordance with the resolution of the House of Lords and lay the updated version before Parliament.
- (3G) If the Secretary of State does not amend the revocation list when required to do so by paragraphs (3D) or (3F) before the date specified in paragraph (1), the revocation list will be deemed to have been amended as specified in the resolution of the relevant House of Parliament, and the relevant legislation will be treated as though the change has been made.
- (3H) Any legislation to which section (3C) applies is not to be considered as either retained EU law or assimilated law.”—(*Stella Creasy.*)

This amendment would require the Government to publish an exhaustive list of every piece of legislation being revoked under the Sunset Clause, and allow for Parliamentary oversight of this process so that it is the House of Commons which has the ultimate say on which legislation is affected.

Question put, That the amendment be made.

The House divided: Ayes 242, Noes 295.

Division No. 149]

[6.32 pm

AYES

Abbott, rh Ms Diane (<i>Proxy vote cast by Bell Ribeiro-Addy</i>)	Blake, Olivia
Abrahams, Debbie	Blomfield, Paul
Ali, Rushanara	Bonnar, Steven
Ali, Tahir	Bradshaw, rh Mr Ben
Allin-Khan, Dr Rosena	Brennan, Kevin
Amesbury, Mike	Brock, Deidre
Anderson, Fleur	Brown, Alan
Antoniazzi, Tonia	Brown, Ms Lyn
Ashworth, rh Jonathan	Brown, rh Mr Nicholas
Bardell, Hannah	Bryant, Sir Chris
Barker, Paula	Buck, Ms Karen
Beckett, rh Margaret	Burgon, Richard
Begum, Apsana	Butler, Dawn
Benn, rh Hilary	Byrne, Ian
Betts, Mr Clive	Byrne, rh Liam
Black, Mhairi	Cadbury, Ruth
Blackford, rh Ian	Cameron, Dr Lisa
Blackman, Kirsty	Campbell, rh Sir Alan
	Carden, Dan
	Carmichael, rh Mr Alistair

Chamberlain, Wendy	Johnson, rh Dame Diana
Champion, Sarah	Johnson, Kim
Chapman, Douglas	Jones, Darren
Charalambous, Bambos	Jones, Gerald
Cherry, Joanna	Jones, Ruth
Cooper, Daisy	Jones, Sarah
Cowan, Ronnie	Keeley, Barbara
Coyle, Neil	Kendall, Liz
Crawley, Angela	Khan, Afzal
Creasy, Stella	Kinnock, Stephen
Cruddas, Jon	Kyle, Peter
Cryer, John	Lake, Ben
Cummins, Judith	Lammy, rh Mr David
Cunningham, Alex	Lavery, Ian
Daby, Janet	Law, Chris
Davey, rh Ed	Leadbeater, Kim
Davies, Geraint	Lewell-Buck, Mrs Emma
Davies-Jones, Alex	Lewis, Clive
Davis, rh Mr David	Lightwood, Simon
Day, Martyn	Linden, David
Debbonaire, Thangam	Long Bailey, Rebecca
Dhesi, Mr Tanmanjeet Singh	Lucas, Caroline
Dixon, Samantha	Lynch, Holly
Dodds, Anneliese	MacNeil, Angus Brendan
Doogan, Dave	Madders, Justin
Dowd, Peter	Mahmood, Mr Khalid
Duffield, Rosie	Mahmood, Shabana
Eagle, Dame Angela	Malhotra, Seema
Eagle, Maria	Maskell, Rachael
Eastwood, Colum	Mc Nally, John
Edwards, Jonathan	McCarthy, Kerry
Eshalomi, Florence	McDonald, Andy
Evans, Chris	McDonald, Stewart Malcolm
Farron, Tim	McDonald, Stuart C.
Farry, Stephen	McDonnell, rh John
Ferrier, Margaret	McFadden, rh Mr Pat
Fletcher, Colleen	McGovern, Alison
Flynn, Stephen	McLaughlin, Anne
Foord, Richard	McMahon, Jim
Fovargue, Yvonne	McMorris, Anna
Foxcroft, Vicky	Mearns, Ian
Furniss, Gill	Miliband, rh Edward
Gardiner, Barry	Mishra, Navendu
Gibson, Patricia	Monaghan, Carol
Grady, Patrick	Morden, Jessica
Grant, Peter	Morgan, Helen
Green, Sarah	Morgan, Stephen
Greenwood, Lillian	Morris, Grahame
Greenwood, Margaret	Murray, Ian
Griffith, Dame Nia	Murray, James
Gwynne, Andrew	Neill, Sir Robert
Haigh, Louise	Newlands, Gavin
Hamilton, Mrs Paulette	Nichols, Charlotte
Hanna, Claire	Norris, Alex
Hanvey, Neale	Olney, Sarah
Hardy, Emma	Onwurah, Chi
Harman, rh Ms Harriet	Oppong-Asare, Abena
Harris, Carolyn	Osamor, Kate
Hayes, Helen	Osborne, Kate
Healey, rh John	Oswald, Kirsten
Hendrick, Sir Mark	Owatemi, Taiwo
Hendry, Drew	Owen, Sarah
Hillier, Dame Meg	Peacock, Stephanie
Hobhouse, Wera	Pennycook, Matthew
Hodgson, Mrs Sharon	Perkins, Mr Toby
Hollern, Kate	Phillips, Jess
Hopkins, Rachel	Pollard, Luke
Hosie, rh Stewart	Poulter, Dr Dan
Huq, Dr Rupa	Powell, Lucy
Hussain, Imran	Qaisar, Ms Anum
Jardine, Christine	Qureshi, Yasmin
Jarvis, Dan	Rayner, rh Angela

Reed, Steve
Reeves, Ellie
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Siddiq, Tulip
Slaughter, Andy
Smith, Alyn
Smith, Cat
Smith, Jeff
Smith, Nick
Smyth, Karin
Sobel, Alex
Spellar, rh John
Stephens, Chris
Stevens, Jo
Stone, Jamie
Sturdy, Julian
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison

Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Thornberry, rh Emily
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Andrew
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:

Liz Twist and

Mary Glindon

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Anderson, Lee
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Sir Jake
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony

Bruce, Fiona
Buchan, Felicity
Burghart, Alex
Burns, rh Conor
Butler, Rob
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chishty, Rehman
Chope, Sir Christopher
Clarke, rh Mr Simon
Clarke, Theo (*Proxy vote cast by Mr Marcus Jones*)
Clarke-Smith, Brendan
Clarkson, Chris
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Coutinho, Claire
Cox, rh Sir Geoffrey
Crabb, rh Stephen
Crosbie, Virginia
Crouch, Tracey
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver

Doyle-Price, Jackie
Drummond, Mrs Flick
Duddridge, Sir 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
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Mark
Fletcher, Nick
Ford, rh Vicky
Foster, Kevin
Francois, rh Mr Mark
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fuller, Richard
Fysh, Mr Marcus
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Girvan, Paul
Glen, rh John
Graham, Richard
Grant, Mrs Helen
Gray, James
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hancock, rh Matt
Hands, rh Greg
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, rh James
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, Tom
Jack, rh Mr Alister

Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Kearns, Alicia
Knight, rh Sir Greg
Kniveton, Kate
Kruger, Danny
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Sir Julian
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark (*Proxy vote cast by Mr Marcus Jones*)
Longhi, Marco
Lopez, Julia
Lopresti, Jack
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherylyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Marson, Julie
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McPartland, rh Stephen
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, James
Morrissey, Joy
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Nici, Lia
Norman, rh Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Patel, rh Priti

Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, rh Chris
 Pow, Rebecca
 Prentis, rh Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, rh Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Mary
 Rowley, Lee
 Russell, Dean
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Shannon, Jim
 Sharma, rh Sir Alok
 Shelbrooke, rh Alec
 Skidmore, rh Chris
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, rh Andrew
 Stevenson, Jane

Stevenson, John
 Stewart, Iain
 Stride, rh Mel
 Stuart, rh Graham
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trott, Laura
 Truss, rh Elizabeth
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Warman, Matt (*Proxy vote*
cast by Mr Marcus Jones)
 Watling, Giles
 Webb, Suzanne
 Wheeler, Mrs Heather
 Whittaker, Craig
 Wiggin, Sir Bill
 Wild, James
 Williamson, rh Sir Gavin
 Wragg, Mr William
 Young, Jacob
 Zahawi, rh Nadhim

Tellers for the Noes:
Mike Wood and
Stuart Anderson

Question accordingly negated.

Clause 2

EXTENSION OF SUNSET UNDER SECTION 1

Amendment made: 1, page 2, line 13, at end insert—

“(2A) Any reference in regulations under subsection (1) to an instrument or description of legislation is, unless otherwise stated, to the instrument or description of legislation as it subsists immediately before the time when the revocation under section 1(1) would otherwise apply in relation to it.”—(*Ms Ghani.*)

This amendment clarifies that regulations under subsection (1) that specify an instrument or description of legislation are to be read as referring to the instrument or description as it has effect immediately before the time when the sunset would otherwise apply in relation to it.

Clause 6

“ASSIMILATED LAW”

Amendment made: 3, page 4, line 2, leave out clause 6.—(*Ms Ghani.*)

This amendment is consequential on NC1.

Clause 7

ROLE OF COURTS

Amendments made: 6, page 4, line 19, at end insert—

“(za) in paragraph (b)—

(i) in sub-paragraph (i) omit the words from “otherwise” to “1998”;

(ii) after sub-paragraph (ii) (and on a new line) insert “(except, when sitting as a court of appeal in relation to a compatibility issue or devolution issue, so far as there is relevant domestic case law which modifies or applies the retained EU case law and is binding on the court);”;

This amendment is a drafting change, bringing together provisions relating to the High Court of Justiciary.

Amendment 7, page 5, line 11, after “section” insert—

““compatibility issue” has the meaning given by section 288ZA(2) of the Criminal Procedure (Scotland) Act 1995;

“devolution issue” has the meaning given by paragraph 1 of Schedule 6 to the Scotland Act 1998;

“relevant appeal court” means—

- (a) the Court Martial Appeal Court,
- (b) the Court of Appeal in England and Wales,
- (c) the Inner House of the Court of Session,
- (d) the court for hearing appeals under section 57(1)(b) of the Representation of the People Act 1983,
- (e) the Lands Valuation Appeal Court, or
- (f) the Court of Appeal in Northern Ireland;”.

This amendment is consequential on Amendment 6.

Amendment 8, page 5, leave out lines 20 to 32.

This amendment is consequential on Amendment 7.

Amendment 9, page 6, leave out lines 6 and 7.

This amendment is consequential on Amendment 6.

Amendment 10, page 6, line 9, leave out “relevant”.

This amendment, and Amendments 10 to 13, enable a reference to be made to the High Court of Justiciary in all relevant cases.

Amendment 11, page 6, line 27, leave out “a relevant” and insert “the appropriate”.

See the statement for Amendment 10.

Amendment 12, page 6, line 30, leave out from “appropriate” to “point” in line 33 and insert

“appeal court” means, in relation to proceedings before a court or tribunal, the court mentioned in subsection (10) to which an appeal from the court or tribunal in those proceedings on the”.

See the statement for Amendment 10.

Amendment 13, page 6, line 36, at end insert—

“(10) The courts referred to in subsection (9) are—

- (a) the Court Martial Appeal Court;
- (b) the Court of Appeal in England and Wales;
- (c) the Inner House of the Court of Session;
- (d) the High Court of Justiciary when sitting as a court of appeal or on a reference under section 123(1) of the Criminal Procedure (Scotland) Act 1995;
- (e) the court for hearing appeals under section 57(1)(b) of the Representation of the People Act 1983;
- (f) the Lands Valuation Appeal Court;
- (g) the Court of Appeal in Northern Ireland.”

See the statement for Amendment 10.

Amendment 14, page 7, leave out lines 24 and 25.

This amendment is consequential on Amendment 6.

Amendment 15, page 7, line 27, leave out “relevant”.

This amendment enables a reference under new section 6B to be made to the High Court of Justiciary in all relevant cases.

Amendment 16, page 7, line 33, leave out “a relevant” and insert “the appropriate”.

This amendment is consequential on Amendment 15.

*Amendment 17, page 9, line 30, leave out paragraph (b).—(*Ms Ghani.*)*

This amendment is consequential on Amendment 8.

Clause 14

POWERS TO RESTATE OR REPRODUCE: GENERAL

Amendment made: 2, page 17, line 24, leave out

“, a reference to restatement includes reproduction”
and insert ““restatement”—

“(a) in relation to section 12, has the same meaning as in that section;

(b) in relation to section 13, has the same meaning as in that section but also includes reproduction;”.—
(*Ms Ghani.*)

This amendment clarifies that references to “restatement” in this clause have the same meaning as in clause 12 or 13 (as well as including, in relation to clause 13, reproduction).

Clause 22

COMMENCEMENT, TRANSITIONAL AND SAVINGS

Amendments made: 4, page 22, line 21, leave out paragraph (b) and insert—

“(b) section (“Assimilated law”)(1), (2) and (4) to (7);”.

This amendment is consequential on NC1.

Amendment 5, page 23, line 7, at end insert—

“(7) The amendments made by Schedule (“Assimilated law”: consequential amendments) do not apply as regards any time at or before the end of 2023.”—
(*Ms Ghani.*)

This amendment provides that the amendments made by the Schedule inserted by NS1 do not apply as regards any time at or before the end of 2023.

New Schedule 1

“ASSIMILATED LAW”: CONSEQUENTIAL AMENDMENTS

European Union (Withdrawal) Act 2018

1 (1) The European Union (Withdrawal) Act 2018 (as amended by this Act) is amended as follows.

(2) In section 5 (exceptions to savings and incorporation), in subsections (A2) and (8), for “retained direct EU” substitute “assimilated direct”.

(3) In section 6 (interpretation of retained EU law)—

(a) in the heading for “retained EU” substitute “assimilated”;

(b) in subsection (3)—

(i) for “retained EU” substitute “assimilated”;

(ii) in paragraph (a) for “retained” (in the first place it appears) substitute “assimilated”;

(c) in subsections (4) to (5ZA), for “retained” (in each place it appears) substitute “assimilated”;

(d) in subsection (6), for “retained EU” substitute “assimilated”;

(e) in subsection (7)—

(i) before the definition of “higher court” insert—

““assimilated case law” means—

(a) assimilated domestic case law, and

(b) assimilated EU case law;

“assimilated domestic case law” means any principles laid down by, and any decisions of, a court or tribunal in the United Kingdom, as they have effect immediately before IP completion day and so far as they—

(a) relate to anything to which section 2 or 3 applies, and

(b) are not excluded by section 5 or Schedule 1,

(as those principles and decisions are modified by or under this Act or by other domestic law from time to time);

“assimilated EU case law” means any principles laid down by, and any decisions of, the European Court, as they have effect in EU law immediately before IP completion day and so far as they—

(a) relate to anything to which section 2 or 3 applies, and

(b) are not excluded by section 5 or Schedule 1,

(as those principles and decisions are modified by or under this Act or by other domestic law from time to time);

“assimilated law” means anything which, on or after IP completion day, continues to be, or forms part of, domestic law by virtue of section 2 or 3 or subsection (3) or (6) above (as that body of law is added to or otherwise modified by or under this Act or by other domestic law from time to time);”;

(ii) omit the definitions of “retained case law”, “retained domestic case law”, retained EU case law” and “retained EU law”.

(4) In section 6A (references on retained case law by lower courts or tribunals), for “retained” (in each place it appears, including the heading) substitute “assimilated”.

(5) In section 6B (references on retained case law by UK or devolved law officers), for “retained” (in each place it appears, including the heading) substitute “assimilated”.

(6) In section 6C (interventions on retained case law by UK or devolved law officers), for “retained” (in each place it appears, including the heading) substitute “assimilated”.

(7) In section 6D (incompatibility orders), in subsection (1)(a) and (b), for “retained direct EU” substitute “assimilated direct”.

(8) In section 7 (status of retained EU law)—

(a) in the heading for “retained EU” substitute “assimilated”;

(b) in subsection (4A) for “Retained direct EU” substitute “Assimilated direct”;

(c) in subsection (5)—

(i) for “retained EU” (in each place it appears) substitute “assimilated”;

(ii) in paragraph (b), for “retained” (in the first place it appears) substitute “assimilated”;

(iii) in paragraphs (e) and (f), for “retained direct EU” substitute “assimilated direct”.

(d) omit subsection (6).

(9) In section 20(1) (interpretation)—

(a) before the definition of “Charter of Fundamental Rights” insert—

““assimilated direct legislation” means any direct EU legislation which forms part of domestic law by virtue of section 3 (as modified by or under this Act or by other domestic law from time to time, and including any instruments made under it on or after IP completion day);

“assimilated direct minor legislation” means any assimilated direct legislation which is not assimilated direct principal legislation;

“assimilated direct principal legislation” means—

(a) any EU regulation so far as it—

(i) forms part of domestic law on and after IP completion day by virtue of section 3, and

(ii) was not EU tertiary legislation immediately before IP completion day, or

(b) any Annex to the EEA agreement so far as it—

(i) forms part of domestic law on and after IP completion day by virtue of section 3, and

(ii) refers to, or contains adaptations of, any EU regulation so far as it falls within paragraph (a), (as modified by or under this Act or by other domestic law from time to time);”;

(b) in the definition of “enactment”, in paragraph (h), for “retained direct EU” substitute “assimilated direct”;

(c) omit the definition of “retained direct EU legislation”;

(d) in the definition of “subordinate legislation” for “retained direct EU” substitute “assimilated direct”.

(10) In section 21(1) (index of defined expressions), in the table—

- (a) after the entry for “Article (in relation the Treaty on European Union or the Treaty on the Functioning of the European Union)”, insert—

Assimilated case law	Section 6(7)
Assimilated direct legislation	Section 20(1)
Assimilated direct minor legislation	Section 20(1)
Assimilated direct principal legislation	Section 20(1)
Assimilated domestic case law	Section 6(7)
Assimilated EU case law	Section 6(7)
Assimilated law	Section 6(7)”

- (b) omit the entries for “Retained case law”, “Retained direct EU legislation”, “Retained direct minor EU legislation”, “Retained direct principal EU legislation”, “Retained domestic case law”, “Retained EU case law” and “Retained EU law”.

(11) In Schedule 1 (further provision about exceptions to savings and incorporation), for “retained EU” (in each place it appears) substitute “assimilated”.

(12) In Schedule 4 (powers in connection with fees and charges), in paragraph 7(1)(b) (power to modify pre-exit fees or charges), for “retained EU” substitute “assimilated”.

(13) In Schedule 5 (publication and rules of evidence), in paragraph 4(5) (definition of “relevant matter” for power to make provision about judicial notice and admissibility), for paragraph (a) substitute—

“(a) assimilated law.”.

(14) In Schedule 7 (regulations)—

- (a) in the italic heading before paragraph 9, for “retained EU” substitute “assimilated”;
- (b) in paragraphs 21, 23 and 28, for “retained EU” (in each place it appears) substitute “assimilated”.

(15) In Schedule 8 (consequential etc provision)—

- (a) in the italic heading before paragraph 1, for “retained direct EU” substitute “assimilated direct”;
- (b) in paragraphs 3(1), 8(2), 11A(2), 11B(2) and 12(2)(b), for “retained direct EU” (in each place it appears) substitute “assimilated direct”;
- (c) in paragraphs 7, 16(3)(b) and 45(2)(b)(i) and (ii), for “retained EU” substitute “assimilated”;
- (d) in paragraphs 11A(3), 11B(3) and 30—
- (i) for “retained direct minor EU” (in each place it appears) substitute “assimilated direct minor”;
- (ii) for “retained direct principal EU” (in each place it appears) substitute “assimilated direct principal”.

This Act

2 (1) This Act is amended as follows.

(2) In section 8 (compatibility), for “retained direct EU” (in each place it appears) substitute “assimilated direct”.

(3) In section 14 (general provision about powers to restate or reproduce), in subsection (9)(a) for “retained direct EU” (in each place it appears) substitute “assimilated direct”.

(4) In section 21 (interpretation)—

- (a) in subsection (1), in the definitions of “enactment” and “subordinate legislation”, for “retained direct EU” substitute “assimilated direct”;
- (b) in subsection (2), for “retained direct EU” (in each place it appears) substitute “assimilated direct”.—
- (*Ms Ghani.*)

This new schedule makes amendments to the European Union (Withdrawal) Act 2018 and the Bill that are consequential on the renaming of bodies or types of law by NCI.

Brought up, and added to the Bill.

Third Reading

King’s consent signified.

6.44 pm

Ms Ghani: I beg to move, That the Bill be now read the Third time.

I wish to thank all the right hon. and hon. Members who have contributed today. It has been a long day, but this Bill has been around for a whole year and I wish to thank everybody who has been working on it for a year. In particular, I wish to thank the Bill team, Lorna, Janet, Ryan, Jenna, Mahsa, Sam, Sagar and Sol; and the policy team, Fergal, Lizzie, Walter, Zach, Rachel, Nikoli, Jess, Hannah, Anita, Jon, Miranda and Ruth. I also wish to thank my hon. Friends the Members for Bosworth (Dr Evans), for Beaconsfield (Joy Morrissey) and for Wolverhampton North East (Jane Stevenson) for doing such fantastic work behind the scenes.

I know that a few Members wish to speak, so I shall be brief. I just want to thank all Members for their contributions as regards the constitutional importance of the Bill—ending the supremacy of EU law and restoring Acts of Parliament as the highest law in the land is, of course, of paramount importance. I am proud that this Bill will build on the European Union (Withdrawal) Act 2018 and ensure, by default, that no Act of Parliament is subordinated by the retained EU law any longer.

Madam Deputy Speaker (Dame Rosie Winterton): I call the shadow Secretary of State.

6.45 pm

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): As we move to Third Reading, may I thank all colleagues, Ministers, civil servants and Clerks of the House for their work on this Bill. In particular, I thank my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) for leading on it for the Opposition, and for the strength and clarity of the arguments he has put forward, and the diligence of his work to try to improve the Bill at all stages. I also wish to recognise my hon. Friends the Members for Leeds North West (Alex Sobel) and for Walthamstow (Stella Creasy) for their work, and my hon. Friends the Members for Sheffield Central (Paul Blomfield) and for North Tyneside (Mary Glendon) for their work in the Bill Committee.

We opposed the Bill on Second Reading on the basis that it was not a serious or appropriate way for the Government to address the matter of retained EU law, and nothing that has occurred since has changed that view. This is not and never has been about Brexit. It is about how the law should be changed, and the certainty and clarity the Government need to give when they do that. Legislating for a sunset clause on a huge body of legislation, the scale of which the Government have themselves struggled to identify, has appalled businesses, charities and the public. The fact that we now know on Third Reading that 1,600 additional laws, on top of the ones disclosed in the dashboard, are affected, without the Government being able to tell us what they are, is frankly absurd.

The Government are asking us trust them on a whole range of laws, covering employment rights, consumer protection, environmental standards and more, but how

[Jonathan Reynolds]

can anyone trust this Government? They are hardly a model of stability. Between First Reading and Third Reading we have had a completely different Prime Minister and a completely different Business Secretary. So who knows who may be in charge by the time it finishes in the other place? We have still not heard a compelling answer as to why the Government cannot address the body of EU retained law on a sector-by-sector basis, putting forward their replacement proposals in the same way as we legislate for everything else. After all, this is the Government's own approach, which they have taken with the Financial Services and Markets Bill in the area of financial regulation.

This Bill is a charter for uncertainty, confusion and the regression of essential British rights. We cannot and will not stand for that. The Labour Party will therefore vote against the Bill's Third Reading tonight, in the national interest, and I urge all colleagues to do the same.

6.48 pm

Mr Rees-Mogg: First, may I congratulate the Minister for Industry and Investment Security, my hon. Friend the Member for Wealden (Ms Ghani), on her brilliant performance today and on taking on this Bill and driving it through? I will now confess to this House that a year ago, as Leader of the House, I thought it was going to be impossible to get this Bill done, written and ready for Parliament. I know I am not meant to mention people in the Galleries, Madam Deputy Speaker, but I hope you will indulge my saying that some of the Bill team are there and they were fabulous. They made the impossible happen and they deserve great thanks, because this is about restoring British law, with the common law replacing European law.

The Bill is a tidying-up law, but it is of great constitutional importance. It has been sent from this House with technical amendments from the Government but no fundamental amendment. I hope that the other place will note that carefully; the Bill goes with a strong democratic mandate and a wind behind it. It is one of the really important completions of Brexit and the people who oppose it are, in their hearts, the ones who opposed Brexit all along. The Bill is a reclamation of democracy, of parliamentary sovereignty and of our proper law.

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

6.49 pm

Alyn Smith: I will be brief because we have had a long discussion today. The SNP opposes the Bill. We believe that Scotland's best future is independence in Europe, but it is not about that tonight. I also, simultaneously—as a friend of the UK—do not want to see this place pass bad law, and we believe that this is bad law. It is possible to do a bad thing well, but I fear that the Bill will do a bad thing badly. As I said earlier in the debate, if Government Members must do this damn silly thing, please do not do it in this damn silly way. The Bill will have real consequences and real problems for the UK Government and the rest of us, and for the devolution settlement alongside. The SNP will oppose it.

6.50 pm

Sir William Cash: After 38 years in this House, I simply say a profound thank you to the British electorate—the 17 million who voted to leave the European Union in the referendum and endorsed that in the general election of 2019. I congratulate the Government, the Ministers and all the people in this House who have supported the idea of leaving the European Union. Above all else, I thank the British electorate.

6.50 pm

Bell Ribeiro-Addy (Streatham) (Lab): I am sure that many other Members have said this already, but this has nothing to do with Brexit. These are all pieces of legislation that are in British law. If the Conservatives want to remove them, they should come to this House and debate each and every one of them on an individual basis. Removing these pieces of legislation will have far-reaching consequences. Unfortunately, I believe that consequences will be brought to bear on Conservative Members at the next election. If you are not thinking about the destruction to our democracy, you should at least think about your constituents—

Madam Deputy Speaker (Dame Rosie Winterton): Order. The hon. Lady must not keep using the word “you.” She must speak through the Chair. I think that she has made her point.

6.51 pm

Sir John Hayes: Fear, doubt and guilt have bedevilled politicians and politics for too long in this country, but the British people are not so fearful of their freedoms, not so doubtful about their sovereignty, and not so nervous about the journey that we have now embarked on to a free future, where this country, through its elected Parliament, can make laws in the national interest for the common good. We have had a lot of fears expressed today. We have heard about bonfires and cliff edges, but the people know that they can trust in the people that they choose, from all parts of this House, to do the right thing by them. If we do not believe that, then what on earth are we doing here? It is absolutely right that we have fulfilled the promise from the 2016 election and taken back control. This Bill—I congratulate Ministers on bringing it before the House today—is the next step on our path to sovereignty, freedom and success.

6.53 pm

Patrick Grady: The Minister would not take an intervention, but I think the right hon. Member for North East Somerset (Mr Rees-Mogg) is going to be pretty disappointed. I suspect it will, ironically, fall to the unelected House to look at the amendments that the Government rejected this evening and decide that perhaps they have a place in the Bill after all. At that point, the climbdown will have to begin and the Bill team, who no doubt have worked extremely hard, will have to work even harder, because they will have to find a compromise and a way to explain why everything the Minister said at the Dispatch Box about how necessary and workable this Bill is was completely and utterly incorrect. In reality, the Bill is totally unworkable and totally unnecessary.

The right hon. Member for North East Somerset and his Brexiteer friends wanted to take back control to this House. They wanted parliamentary sovereignty. This Bill does not assert parliamentary sovereignty; it hands it over to the Executive to pass thousands of laws, or to get rid of thousands of laws, by Executive diktat. That is not parliamentary sovereignty. The people in Scotland can see exactly what is happening, and it will not be long before they reclaim their popular sovereignty.

6.54 pm

Stella Creasy: I put on record my thanks to all the civil servants who have answered our questions on this Bill, to all the members of the Committee and the Minister for taking questions—I think in years to come her diaries will be a revelation about what she really thinks of this legislation.

We should make a pledge tonight, because this House has started to hear the voices of the British public, who recognise that legislation like this is us not doing our job. It is us taking away the job and putting power in the hands of the shadowy elite behind the back of Downing Street. It is not parliamentary sovereignty. We will make a pledge tonight in this House to keep hearing their voices—to keep hearing the many campaign groups who have spoken with one voice and said, “There is a better way to do this,” to hold all of us to account, to work with our colleagues in the other place to ensure that we truly do take back control to this place and uphold parliamentary sovereignty.

Those of us on the Opposition side know how valuable that is to our democracy, and we invite all those on the Government side who recognise that to join us. A sinner that repenteth is still a sinner that repenteth.

Question put, That the Bill be now read the Third time.

The House divided: Ayes 297, Noes 238.

Division No. 150]

[6.55 pm

AYES

Adams, rh Nigel	Blunt, Crispin
Afolami, Bim	Bone, Mr Peter
Afriyie, Adam	Bottomley, Sir Peter
Aiken, Nickie	Bowie, Andrew
Aldous, Peter	Bradley, Ben
Allan, Lucy	Bradley, rh Karen
Anderson, Lee	Brady, Sir Graham
Andrew, rh Stuart	Braverman, rh Suella
Ansell, Caroline	Brereton, Jack
Argar, rh Edward	Brine, Steve
Atherton, Sarah	Bristow, Paul
Atkins, Victoria	Britcliffe, Sara
Bacon, Gareth	Browne, Anthony
Bacon, Mr Richard	Bruce, Fiona
Bailey, Shaun	Buchan, Felicity
Baillie, Siobhan	Burghart, Alex
Baker, Duncan	Burns, rh Conor
Baker, Mr Steve	Butler, Rob
Baldwin, Harriett	Carter, Andy
Baron, Mr John	Cartlidge, James
Baynes, Simon	Cash, Sir William
Bell, Aaron	Cates, Miriam
Benton, Scott	Caulfield, Maria
Beresford, Sir Paul	Chalk, Alex
Berry, rh Sir Jake	Chishti, Rehman
Bhatti, Saqib	Churchill, Jo
Blackman, Bob	Clarke, rh Mr Simon

Clarke, Theo (<i>Proxy vote cast by Mr Marcus Jones</i>)	Halfon, rh Robert
Clarke-Smith, Brendan	Hall, Luke
Clarkson, Chris	Hancock, rh Matt
Coffey, rh Dr Thérèse	Hands, rh Greg
Colburn, Elliot	Harper, rh Mr Mark
Collins, Damian	Harris, Rebecca
Costa, Alberto	Harrison, Trudy
Coutinho, Claire	Hart, Sally-Ann
Cox, rh Sir Geoffrey	Hart, rh Simon
Crabb, rh Stephen	Hayes, rh Sir John
Crosbie, Virginia	Heald, rh Sir Oliver
Crouch, Tracey	Heappey, rh James
Daly, James	Henderson, Gordon
Davies, rh David T. C.	Henry, Darren
Davies, Gareth	Higginbotham, Antony
Davies, Dr James	Hinds, rh Damian
Davies, Mims	Holden, Mr Richard
Davies, Philip	Hollinrake, Kevin
Davis, rh Mr David	Hollobone, Mr Philip
Davison, Dehenna	Holloway, Adam
Dinenage, Dame Caroline	Holmes, Paul
Dines, Miss Sarah	Howell, John
Djanogly, Mr Jonathan	Howell, Paul
Docherty, Leo	Huddleston, Nigel
Donelan, rh Michelle	Hudson, Dr Neil
Double, Steve	Hughes, Eddie
Dowden, rh Oliver	Hunt, Jane
Doyle-Price, Jackie	Hunt, Tom
Drummond, Mrs Flick	Jack, rh Mr Alister
Duddridge, Sir James	Javid, rh Sajid
Duguid, David	Jayawardena, rh Mr Ranil
Duncan Smith, rh Sir Iain	Jenkin, Sir Bernard
Dunne, rh Philip	Jenkinson, Mark
Eastwood, Mark	Jenrick, rh Robert
Edwards, Ruth	Johnson, Dr Caroline
Ellis, rh Michael	Johnson, Gareth
Elphicke, Mrs Natalie	Johnston, David
Eustice, rh George	Jones, Andrew
Evans, Dr Luke	Jones, rh Mr David
Everitt, Ben	Jones, Fay
Fabricant, Michael	Jones, Mr Marcus
Farris, Laura	Jupp, Simon
Fell, Simon	Kawczynski, Daniel
Firth, Anna	Kearns, Alicia
Fletcher, Katherine	Knight, rh Sir Greg
Fletcher, Mark	Kniveton, Kate
Fletcher, Nick	Kruger, Danny
Ford, rh Vicky	Lamont, John
Foster, Kevin	Largan, Robert
Francois, rh Mr Mark	Latham, Mrs Pauline
Frazer, rh Lucy	Leadsom, rh Dame Andrea
Freeman, George	Leigh, rh Sir Edward
Freer, Mike	Lewer, Andrew
French, Mr Louie	Lewis, rh Brandon
Fuller, Richard	Lewis, rh Sir Julian
Fysh, Mr Marcus	Liddell-Grainger, Mr Ian
Garnier, Mark	Loder, Chris
Ghani, Ms Nusrat	Logan, Mark (<i>Proxy vote cast by Mr Marcus Jones</i>)
Gibb, rh Nick	Longhi, Marco
Gibson, Peter	Lopez, Julia
Gideon, Jo	Lopresti, Jack
Girvan, Paul	Loughton, Tim
Glen, rh John	Mackinlay, Craig
Graham, Richard	Mackrory, Cheryllyn
Grant, Mrs Helen	Maclean, Rachel
Gray, James	Mak, Alan
Green, Chris	Malthouse, rh Kit
Green, rh Damian	Mangnall, Anthony
Griffith, Andrew	Mann, Scott
Grundy, James	Marson, Julie
Gullis, Jonathan	Mayhew, Jerome

Maynard, Paul	Shannon, Jim
McCartney, Jason	Sharma, rh Sir Alok
McPartland, rh Stephen	Shelbrooke, rh Alec
Mercer, Johnny	Skidmore, rh Chris
Merriman, Huw	Smith, Greg
Metcalfe, Stephen	Smith, Henry
Millar, Robin	Smith, rh Julian
Milling, rh Amanda	Smith, Royston
Mills, Nigel	Solloway, Amanda
Mitchell, rh Mr Andrew	Spencer, Dr Ben
Mohindra, Mr Gagan	Spencer, rh Mark
Moore, Damien	Stafford, Alexander
Moore, Robbie	Stephenson, rh Andrew
Mordaunt, rh Penny	Stevenson, Jane
Morris, Anne Marie	Stevenson, John
Morris, James	Stewart, Iain
Morrissey, Joy	Stride, rh Mel
Morton, rh Wendy	Stuart, rh Graham
Mullan, Dr Kieran	Sturdy, Julian
Mumby-Croft, Holly	Sunderland, James
Murray, Mrs Sheryll	Swayne, rh Sir Desmond
Murrison, rh Dr Andrew	Syms, Sir Robert
Nici, Lia	Thomas, Derek
Norman, rh Jesse	Timpson, Edward
O'Brien, Neil	Tolhurst, Kelly
Offord, Dr Matthew	Tomlinson, Justin
Opperman, Guy	Tomlinson, Michael
Paisley, Ian	Tracey, Craig
Patel, rh Priti	Trott, Laura
Pawsey, Mark	Truss, rh Elizabeth
Penning, rh Sir Mike	Vickers, Martin
Penrose, John	Vickers, Matt
Percy, Andrew	Villiers, rh Theresa
Philp, rh Chris	Walker, Sir Charles
Poulter, Dr Dan	Walker, Mr Robin
Pow, Rebecca	Warman, Matt (<i>Proxy vote</i> <i>cast by Mr Marcus Jones</i>)
Prentis, rh Victoria	Watling, Giles
Pritchard, rh Mark	Webb, Suzanne
Pursglove, Tom	Wheeler, Mrs Heather
Quin, rh Jeremy	Whittaker, Craig
Quince, Will	Whittingdale, rh Sir John
Randall, Tom	Wiggin, Sir Bill
Redwood, rh John	Wild, James
Rees-Mogg, rh Mr Jacob	Williams, Craig
Richardson, Angela	Williamson, rh Sir Gavin
Roberts, Rob	Wragg, Mr William
Robertson, Mr Laurence	Zahawi, rh Nadhim
Robinson, Mary	
Rowley, Lee	
Russell, Dean	
Sambrook, Gary	
Saxby, Selaine	
Scully, Paul	

Tellers for the Ayes:
Mike Wood and
Stuart Anderson

NOES

Abbott, rh Ms Diane (<i>Proxy</i> <i>vote cast by Bell Ribeiro-</i> <i>Addy</i>)	Betts, Mr Clive
Abrahams, Debbie	Black, Mhairi
Ali, Rushanara	Blackford, rh Ian
Ali, Tahir	Blackman, Kirsty
Allin-Khan, Dr Rosena	Blake, Olivia
Amesbury, Mike	Blomfield, Paul
Anderson, Fleur	Bonnar, Steven
Antoniazzi, Tonia	Bradshaw, rh Mr Ben
Ashworth, rh Jonathan	Brennan, Kevin
Bardell, Hannah	Brock, Deidre
Barker, Paula	Brown, Alan
Beckett, rh Margaret	Brown, Ms Lyn
Begum, Apsana	Brown, rh Mr Nicholas
Benn, rh Hilary	Bryant, Sir Chris
	Buck, Ms Karen
	Burton, Richard

Butler, Dawn	Hendry, Drew
Byrne, Ian	Hillier, Dame Meg
Byrne, rh Liam	Hobhouse, Wera
Cadbury, Ruth	Hodgson, Mrs Sharon
Callaghan, Amy (<i>Proxy vote</i> <i>cast by Brendan O'Hara</i>)	Hollern, Kate
Cameron, Dr Lisa	Hopkins, Rachel
Campbell, rh Sir Alan	Hosie, rh Stewart
Carden, Dan	Huq, Dr Rupa
Carmichael, rh Mr Alistair	Hussain, Imran
Chamberlain, Wendy	Jardine, Christine
Champion, Sarah	Jarvis, Dan
Chapman, Douglas	Johnson, rh Dame Diana
Charalambous, Bambos	Johnson, Kim
Cherry, Joanna	Jones, Darren
Cooper, Daisy	Jones, Gerald
Cowan, Ronnie	Jones, Ruth
Coyle, Neil	Jones, Sarah
Crawley, Angela	Keeley, Barbara
Cruddas, Jon	Kendall, Liz
Cryer, John	Khan, Afzal
Cummins, Judith	Kinnock, Stephen
Cunningham, Alex	Kyle, Peter
Daby, Janet	Lake, Ben
Davey, rh Ed	Lammy, rh Mr David
Davies, Geraint	Lavery, Ian
Davies-Jones, Alex	Law, Chris
Day, Martyn	Leadbeater, Kim
Debbonaire, Thangam	Lewell-Buck, Mrs Emma
Dhesi, Mr Tanmanjeet Singh	Lewis, Clive
Dixon, Samantha	Lightwood, Simon
Docherty-Hughes, Martin	Linden, David
Dodds, Anneliese	Long Bailey, Rebecca
Doogan, Dave	Lucas, Caroline
Dorans, Allan (<i>Proxy vote cast</i> <i>by Brendan O'Hara</i>)	Lynch, Holly
Dowd, Peter	MacNeil, Angus Brendan
Duffield, Rosie	Madders, Justin
Eagle, Dame Angela	Mahmood, Mr Khalid
Eagle, Maria	Mahmood, Shabana
Eastwood, Colum	Malhotra, Seema
Edwards, Jonathan	Maskell, Rachael
Elmore, Chris	Mc Nally, John
Eshalomi, Florence	McCarthy, Kerry
Evans, Chris	McDonald, Andy
Farry, Stephen	McDonald, Stewart Malcolm
Ferrier, Margaret	McDonald, Stuart C.
Fletcher, Colleen	McDonnell, rh John
Flynn, Stephen	McFadden, rh Mr Pat
Foord, Richard	McGovern, Alison
Fovargue, Yvonne	McLaughlin, Anne
Foxcroft, Vicky	McMahon, Jim
Furniss, Gill	McMorris, Anna
Gardiner, Barry	Mearns, Ian
Gibson, Patricia	Miliband, rh Edward
Grady, Patrick	Mishra, Navendu
Grant, Peter	Monaghan, Carol
Green, Sarah	Morden, Jessica
Greenwood, Lilian	Morgan, Helen
Greenwood, Margaret	Morgan, Stephen
Griffith, Dame Nia	Morris, Grahame
Gwynne, Andrew	Murray, Ian
Haigh, Louise	Murray, James
Hamilton, Mrs Paulette	Newlands, Gavin
Hanna, Claire	Nichols, Charlotte
Hanvey, Neale	Nicolson, John (<i>Proxy vote</i> <i>cast by Brendan O'Hara</i>)
Hardy, Emma	Norris, Alex
Harman, rh Ms Harriet	O'Hara, Brendan
Harris, Carolyn	Olney, Sarah
Hayes, Helen	Onwurah, Chi
Healey, rh John	Oppong-Asare, Abena
Hendrick, Sir Mark	Osamor, Kate
	Osborne, Kate

Oswald, Kirsten
Owatemi, Taiwo
Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Pollard, Luke
Powell, Lucy
Qaisar, Ms Anum
Qureshi, Yasmin
Rayner, rh Angela
Reed, Steve
Reeves, Ellie
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Siddiq, Tulip
Slaughter, Andy
Smith, Alyn
Smith, Cat
Smith, Jeff
Smith, Nick
Smyth, Karin
Sobel, Alex
Spellar, rh John
Stephens, Chris

Stevens, Jo
Stone, Jamie
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Thornberry, rh Emily
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Andrew
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:
Liz Twist and
Mary Glindon

Question accordingly agreed to.

Bill read the Third time and passed.

Business without Debate

DELEGATED LEGISLATION

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

NATIONAL HEALTH SERVICE

That the draft Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023, which were laid before this House on 15 December 2022, be approved.

RATING AND VALUATION

That the draft Local Government Finance Act 1988 (Non-Domestic Rating Multipliers) (England) Order 2022, which was laid before this House on 12 December 2022, be approved.—(*Scott Mann.*)

Question agreed to.

PETITIONS

Pre-payment meter energy customers and forcible transfer

7.7 pm

Anne McLaughlin (Glasgow North East) (SNP): People on pre-payment meters live in precarious situations. They can only have gas and electricity if they have money to feed the meter, otherwise they must freeze in the dark, yet the energy companies are forcing the poorest among us on to money guzzling pre-payment meters with the assistance of the courts, which are rubber-stamping warrants at an alarming rate. One court in the north of

England reportedly approved 496 warrants in three minutes. One of the conditions of the Ofgem licence is that the energy companies must identify those classed as vulnerable because they should not be disconnected, but clearly that is all too often ignored.

The petition states:

The petition of residents of the United Kingdom,

Declares that energy suppliers, despite licensing conditions set out by the regulator Ofgem stipulating that suppliers should only put households onto pre-payment meters when it is 'safe and reasonably practicable to do so', are forcibly transferring customers in debt on standard credit or direct debit accounts to pre-payment meters, disregarding their obligations to identify and support vulnerable persons and households; notes one court in the North of England approved 496 warrants to forcibly install pre-payment meters in just 3 minutes; recognises the risk of 'self-disconnection' from energy supplies for vulnerable households in energy debt who are forcibly transferred to a pre-payment meter; notes that those new pre-payment meter customers who have become so through financial difficulties, will now pay higher standing charges and unit rates when compared to standard credit or direct debit accounts.

The petitioners therefore request that the House of Commons urge the Government to issue a ban on the forced installation of pre-payment meters by court warrant; further urges the Government to make compulsory the requirement to ensure that detailed checks are carried out regarding customers' vulnerability prior to any discussion about a voluntary option of using prepayment meters and that sanctions are in place and enforced against those companies who do not.

And the petitioners remain, etc.

[P002793]

Abolition of benefit cap

David Linden (Glasgow East) (SNP): The benefit cap, which was introduced by the British Government in 2013, blocks households from getting all the help they are entitled to from the social security system, as it does not generally rise with inflation. Indeed, figures show that households outside London lose out on a massive £1,800 a year compared with what they would have got if the cap had risen with prices. The SNP want to see the benefit cap abolished entirely, which is reflected back to me by my constituents, particularly in Parkhead and Lilybank, where this petition originated.

The petitioners therefore request that the House of Commons urge the Government to grant time for the Second Reading of the Benefit Cap (Report on Abolition) Bill and commit to passing all stages of my Bill in the House.

Following is the full text of the petition:

[The petition of the residents of the constituency of Glasgow East,

Declares that the UK benefit cap is a punitive measure which forces families unnecessarily into poverty; notes the figures from the Poverty Alliance which suggest up to 150,000 households outside of London will have their benefit capped and could lose up to £1,800 per annum in social security support.

The petitioners therefore request that the House of Commons urge the Government to grant time the Second Reading of the Benefit Cap (Report on Abolition) Bill and commit its support to passing all stages in the House.

And the petitioners remain, etc.]

[P002794]

Train Services: South Gloucestershire

Motion made, and Question proposed, That this House do now adjourn.—(Scott Mann.)

7.10 pm

Luke Hall (Thornbury and Yate) (Con): I am grateful to have secured this debate. The ability to move around for work, to travel to see friends and family or to have access to local services such as schools and hospitals is vital. For many people in South Gloucestershire, public transport is fundamental to the way we live our lives. That is why I have campaigned relentlessly to get South Gloucestershire moving and improve local transport infrastructure. We have had some fantastic successes in this respect: we opened the park and ride in Yate this year; we scrapped the Severn bridge tolls; we reopened the right-hand turn from Heron Way on to Kennedy Way; we reinstated bus services to Southmead Hospital, and so much more. However, there are some areas where progress simply has not been quick enough. I have called this debate to highlight the difficulties that South Gloucestershire residents continue to face with local transport, particularly over train services.

For a number of years, I have been campaigning to increase the frequency of train services from Yate to Bristol and Gloucester from hourly, as they are now, to every half hour. At the moment, these trains are often only two carriages long and at peak times they are already full, with passengers travelling between major urban centres such as Bristol, Yate and Gloucester. People living in Yate, Chipping Sodbury or any of the surrounding areas are often restricted from using train travel because the services just are not frequent enough to be viable or because of overcrowding on the services.

It is clear there is substantial local demand for this increase in frequency, with recently released figures showing passenger numbers have doubled on the Yate to Bristol line from 68,500 to more than 177,000 a year. South Gloucestershire generally is seeing high levels of housing growth, with more residents in the community, more cars on the road and more people moving and travelling for work. Yate itself has become a hub for inward investment around the west of England. It is a thriving place for people to live, work and raise a family. It is home to major employers, with staff travelling from right across the region to the town. It is vital that the transport infrastructure is in place, connecting residents and commuters to local jobs and allowing residents of the communities in and surrounding Yate to travel to South Gloucestershire and the surrounding areas. I would like to put on the record my thanks to Toby Savage, the leader of South Gloucestershire Council, who has done a great job in pushing for some of these extra services, supporting them through his good officers on the council, and putting his all into this campaign.

Increasing the frequency of these services from hourly to half hourly would make a huge difference to the community, and has widespread support from everyone involved. I conducted transport surveys across South Gloucestershire, where there is significant support for making this change. One of the barriers we have faced to increasing the frequency to half hourly is the need for track works to be carried out at the Bristol East junction at Bristol Temple Meads, as I raised frequently with the previous Secretary of State. I have been grateful for the support of the Department for Transport and the Minister's

predecessor, and for the £132 million plus that was invested to make that change happen and get the project to where it is today, allowing local decision makers to increase the frequency if they can. Increasing the frequency to half hourly is a key part of phase 2 of the MetroWest project, run by the West of England Combined Authority with the DfT, and is fundamental in connecting the areas surrounding Yate.

Network Rail and the local operator, Great Western Railway, have stated that they are keen to expand their timetable to accommodate these extra services. However, despite being such a critical part of the vision for the region, we have had serious delays in implementation. There were initially plans for half-hourly services to be delivered from December 2021—clearly, it is now early 2023 and they are still not in place.

In November, we had confirmation of the new timetables up to May, but we still do not have the half-hourly services. I have raised that time and again with Great Western Railway, which has explained that due to the backlog that built up during the pandemic and high sickness levels, it has not had the crew ready to operate the additional services that we all want to be delivered. Clearly, it has now been nearly a year since all covid measures expired in law, and even longer since the social distancing guidance expired, but the substantial training backlog is restricting the roll-out of services that are fundamental to accommodate growth across South Gloucestershire.

GWR has also confirmed the positive news that it has now submitted the timetable bid for the extra MetroWest services that it will run from Bristol to Gloucester, which includes the Yate station, in May 2023. That is currently with Network Rail's timetable team as part of the validation process that it has to go through. The last thing that anyone wants now is a situation where, in May 2023 at the next set of timetable reviews, staffing levels are still not where they need to be so the service is stopped from being delivered again.

I have been offered assurances from GWR's managing director, who has been clear that his team have identified the rolling stock required for the extra trains and that the training will be in place for May. There are also provisional plans for the service to be funded by the West of England Combined Authority for three years after it is operational, as part of an agreement with GWR.

Jack Lopresti (Filton and Bradley Stoke) (Con): I congratulate my hon. Friend on securing the debate and on his fantastic campaign to get South Gloucestershire moving. Does he agree that the proposed new Brabazon station on the Filton airfield site will help connectivity across South Gloucestershire by serving that new town as part of phase 2 of MetroWest? If we can work with the West of England Combined Authority and South Gloucestershire Council to get that expedited and built quickly, it will help residents across South Gloucestershire.

Luke Hall: I thank my hon. Friend for that clear point, on which I completely agree. Connecting areas such as Cribbs Causeway with Yate is also hugely beneficial for the many people in Yate and the surrounding area who work in the Filton and Bradley Stoke constituency and in the wider South Gloucestershire area. He is right to champion that and I completely support him in that quest.

The total proposed funding commitment for this project so far from the West of England Combined Authority is almost £3.9 million, which is hugely welcome. I understand that that is planned to be submitted to the combined authority committee and the joint committee on 27 January as part of the MetroWest phase 2 funding request. As we await the outcome of that, I thank all the local authority leaders across the west of England who have supported the new service in principle, and the West of England Metro Mayor Dan Norris for his support and helping us get to this stage in Yate.

I ask the Minister: what efforts are being made centrally to drive recruitment in the rail industry? Staffing shortages are beginning to hold up essential improvements to services such as the Yate half-hourly train service. My understanding is that the extra services have now also been submitted as part of GWR's annual business plan to the DfT; I would be grateful for any update that he can provide on the process for signing that off at his end.

It is important that the rail industry should not be cutting costs at the expense of already approved timetable improvements in the south-west—many hon. Members feel strongly about that—so I would be grateful if the Minister could outline his thoughts on that. Will he meet me, Network Rail and GWR to discuss the support that the DfT can offer to ensure that the proposed half-hourly services can go ahead in May, which would mean that the Government could secure that vital return on their investment in the Bristol East junction?

Getting half-hourly service patterns in place is critical to enabling the opening of Charfield railway station, which is a separate project but is equally important for unlocking some of the roads and for connecting towns across South Gloucestershire with the wider region. It was opened in 1844 and was a vital hub prior to its closure in 1965. Plans are advanced to rebuild and reopen a new Charfield station in the heart of the village and there was a 12-week consultation that closed last year. It will be a hugely important development if it goes ahead; the application is currently with the local council. The importance of getting the Yate services must not be understated in terms of the wider impact on the surrounding railway network and helping us reduce congestion.

Yate is continuing to grow, but the current train services are too infrequent, with too few carriages. Delivering on the pledge to introduce half-hourly train services between Yate and Bristol and Gloucester is vital. It will improve access to local public transport, take cars off the road, cut journey times, and reduce emissions. The demand is there, and we have the local support; I hope the Minister will assure residents in south Gloucestershire that these plans are firmly back on track.

7.19 pm

The Minister of State, Department for Transport (Huw Merriman): I congratulate my hon. Friend the Member for Thornbury and Yate (Luke Hall) on securing this important debate on train services in South Gloucestershire and on his informative and impassioned speech. I recognise his hard work in campaigning to get South Gloucestershire moving and improve transport infrastructure for his constituents.

The Government fully recognise the vital role our railways play in connecting communities and supporting the economy. Taxpayers across the country contributed £31 billion to the railways over the course of the pandemic, demonstrating our commitment to their continued operation. The Government have acted with the biggest intervention in their history to ensure rail fare increases for 2023 are capped at 5.9%, some 6.4 percentage points lower than the retail prices index figure on which they are historically based. This is a fair balance between the passengers who use our trains and the taxpayers who help pay for them.

My hon. Friend talked in the latter part of his speech about the need to get more staffing and therefore more resilience into the railways. While the Government strongly support the recovery of the railway and the increase in passenger numbers, there remains an urgent need for continued modernisation and significant efficiency improvements to bear down on the cost of operating the railway. Part of this modernisation is to improve the speed and efficiency of staff recruitment, and we are exploring options to reduce the amount of time training takes in an innovative way using technology, while maintaining the exacting standards of safety currently in place on our railway.

The Rail Delivery Group's latest offer to ASLEF—the drivers' union—opens the door to a more diverse workforce by introducing part-time contracts and more flexible scheduling arrangements. It looks to address inefficient and arcane practices that have long since been phased out of modern workforces. I am sure my hon. Friend agrees that that would be a huge step forward for the rail industry and build upon the progress made in recent years.

Moving to my hon. Friend's specific concerns, South Gloucestershire already benefits from a wide array of train services to areas including Gloucester, Cheltenham, Bristol, London, Cardiff, Portsmouth, Birmingham, Sheffield, Leeds, Manchester, Newcastle, and the cities in Scotland—I could go on. Users of train services in South Gloucestershire have already benefited from the introduction of through train services between Cardiff and Penzance as part of the December 2021 timetable and the reintroduction of through services between Bristol and Manchester.

Now for the news my hon. Friend has been waiting for: I am happy to confirm that, subject to the provision of the necessary funding by the West of England Combined Authority, services between Bristol and Gloucester will be doubled to two trains per hour from the May 2023 timetable change as part of the wider MetroWest scheme. I thank my hon. Friend for helping make this happen and the West of England Combined Authority, which has worked in partnership with officials in my Department and the operator, Great Western Railway, to make this possible. GWR has identified all the rolling stock that it will need for the extra trains and is confident that it will have all the staff training completed in time to introduce the additional services from May. I hope that that provides the assurance my hon. Friend was looking for, but as always—and in answer to his request—I am happy to meet him to understand any further concerns, and to help him make this happen.

Luke Hall: I hugely welcome the announcement that the Minister has just made, confirming that, subject to agreements at the combined authority level, we are

[Luke Hall]

ready to go ahead with doubling services in May. It is fantastic news. I thank him for his work and support on that as well as for the reassurance that the announcement will have provided to the whole community.

Huw Merriman: My hon. Friend is kind. The thanks should go to him; I am sure that his constituents will recognise that. He is a dogged campaigner, and I know that he will ensure that my feet are held to the fire in delivering the service. I assure him that I will work with him to that end. I understand the disappointment that services were not introduced in May 2022. Staff training was severely disrupted during the pandemic, which is one of the reasons it has taken a while. I am also delighted to hear that South Gloucestershire Council is developing plans for a new railway station in Charfield to help people to travel more sustainably. It has recently submitted a planning application jointly with Network Rail. I wish all involved the best of luck with that proposal.

Another exciting potential development for residents of South Gloucestershire is the plan to develop the site of the old Filton airfield, as highlighted by my hon. Friend the Member for Filton and Bradley Stoke (Jack Lopresti),

who is at the forefront of the campaign. That could unlock a significant volume of new housing and include two new stations at North Filton and Henbury, which would form part of the Henbury line. A new hourly train service would run between Bristol Temple Meads and Henbury calling at Ashley Down and North Filton and serve the new proposed YTL arena. I understand that the next stage is for a planning application to receive consent from South Gloucestershire Council to build the scheme. My officials stand ready to offer any necessary support to the scheme's promoters.

Although this is not in South Gloucestershire, significant improvement work continues to be planned for Gloucester station. That will please my hon. Friend the Member for Gloucester (Richard Graham), who is not in his place but has had a word with me.

I conclude by congratulating my hon. Friend the Member for Thornbury and Yate once again on securing the debate and this additional service for his constituents. I hope that I have reassured him of our commitment to improving rail services to his constituency.

Question put and agreed to.

7.26 pm

House adjourned.

Westminster Hall

Wednesday 18 January 2023

[MRS SHERYLL MURRAY *in the Chair*]

Future of the Parole Board

9.30 am

Graham Stringer (Blackley and Broughton) (Lab): I beg to move,

That this House has considered the future of the Parole Board.

It is a pleasure to see you in the Chair, Mrs Murray. I come to this debate on the future of the Parole Board not as an expert in jurisprudence, or the theology of jurisprudence, but from my experience as a constituency MP and a member of the Science and Technology Committee. That Committee looks at, among other areas, how public bodies and Government Departments use evidence when coming to decisions. On 7 September 2022, the Science and Technology Committee had a really interesting session looking at the basis that the Parole Board had for making what are very difficult decisions, in many cases, about who to release on parole. I advise any interested person to read the transcript of that session.

Unusually, I want to start by thanking the Secretary of State for Justice. At the last Justice questions, I brought up the case of Andrew Longmire, also known as Andrew Barlow and previously, I think, as Andrew Seamark, a man who was given many life sentences, the last one in 2017, for rape. I asked the Secretary of State whether he would look into the matter, and he released a statement yesterday saying that he was asking the Parole Board for a reconsideration of that case. I am grateful to him for doing that. I am sure that the victims and the families of victims of Andrew Barlow who have contacted me are also grateful.

I would like to thank Neal Keeling, the *Manchester Evening News* journalist, who has written a number of stories about this case in that paper. Without those stories, I would not have known that Andrew Barlow was likely to be released, and neither would the families of victims and the victims themselves. I have had a large number of harrowing emails from people describing how their families and personal lives have been destroyed by this man and the multiple rapes he carried out over a period of time.

One of the issues in this case, which I obviously will not go into a great deal of detail about, is that Andrew Barlow was given his first life sentences over 30 years ago, and the progress on DNA analysis meant that the police went back on cold cases and found that he had committed two further rapes, so he was given two further life sentences. Amazingly, he said that he did not remember them. That factor should be taken into account in any Parole Board hearing. If the Parole Board wants to know whether people are remorseful and have changed their view, that is an indication of callousness. As many of the victims and their families who have written to me say, the man is a threat to them and to their families and should remain behind bars. I hope that the reconsideration leads to that.

Let me look at how the Parole Board operates and the decision taken by the Government immediately to change some of the process and carry out a full review,

which was stimulated by the John Worboys case. There was a public outcry that he was going to be released. That case made many people think that there was something fundamentally wrong with the way the Parole Board was working. Following judicial review, the Court came to the view that

“the Parole Board didn’t do its job properly.”

That is an understatement of what happened. The Parole Board did not look at all the evidence and it did not look at the court decision properly when deciding that Worboys was going to be released. He was a category A prisoner, which means the Secretary of State thought he was a threat to society, but the decision was taken that he could apply for parole.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I congratulate the hon. Gentleman on obtaining the debate, and I rise to speak as co-chair of the board of the Justice Unions parliamentary group. In raising the John Worboys case, does he share my concern that particular emphasis was placed on advice from a psychologist and that advice from probation officers no longer includes recommendations? Although their advice is received, the issue of probation officer recommendations is a particular concern for the union Napo. Perhaps the Government should revisit the decision not to receive specific recommendations from probation officers.

Graham Stringer: I thank the right hon. Lady for that intervention. I know the trade union believes that recommendations should be made. I have read a lot of the arguments both ways—from the trade union and from the Government, as well as from many of the professional advisers. The case against what the right hon. Lady says is that when there is a recommendation, there is a temptation, for any human being, not to look at the evidence directly. The Parole Board should make its decision based on the evidence before it and its consideration of that evidence, rather than a recommendation. I also see the other side—what people who know the prisoner think, and considering what the probation officers think and recommend, which is important. It is a moot point, but I would not criticise the decision completely to take out recommendations.

Liz Saville Roberts: I agree that there is a debate to be had on the effect of that. Specifically, I hope the Minister will respond with respect to impact assessments following the change in procedure and the removal of recommendations from probation officers, particularly regarding black, Asian and minority ethnic prisoners and IPP—imprisonment for public protection—prisoners.

Graham Stringer: I ask the Minister to respond to that. Let me make a further point about the right hon. Lady’s intervention. The Science and Technology Committee was told in evidence—I think by Professor Shute; I hope I have that right—that when recommendations were made, it was rare to the point of being zero that the Parole Board went against the recommendation. That might or might not indicate that the Parole Board was not reading the evidence as it had been presented to the board. It is easy just to take the recommendations.

Let me turn to third parole case that, as a constituency MP, I spent a lot of time on a few years ago. Thirty years ago today, Suzanne Capper had a funeral and was

[Graham Stringer]

buried after having been tortured for a week and murdered. I was not an MP 30 years ago, but it was in my constituency. She attended the school that I had attended many years before. It was a horrific case. Four people were convicted of her murder; three have been released, and one is up for parole. In the 1960s, the four people found guilty would have been hanged. I am against capital punishment, but I want the public to have confidence in the justice system. They were guilty of a crime every bit as horrific as the moors murders—Brady and Hindley were never released. Even though three of them have been released since I made representations to the Parole Board on behalf of Suzanne Capper's mother, which were effectively ignored, I believe that one of the murderers should not be released.

When people learn that three of the murderers, and potentially a fourth, will be walking the streets of this country after that terrible murder, they will not think that justice has been done. I would like an assessment not just of how the Parole Board operates but of who is considered for parole. I do not think those murderers should have been. Although one cannot just use the general view that they should not be, I think there is a sense, when people such as that are walking the streets of this country, that justice has been undermined and has not been done.

Those three cases have brought me, as a constituency MP and as somebody who has been watching what has happened to the Parole Board, to consider that the Parole Board should be reformed in many ways. When the Science and Technology Committee took evidence, virtually all the witnesses said that the Parole Board previously operated in private—in secret. Sometimes it made decisions just on the papers in front of it, sometimes it listened to the criminal, and sometimes statements from the victims were read out. We all accept in court cases that justice must not only be done but should be seen to be done, but that has not been the case with the arguments the Parole Board considers. There may be a case for keeping some privacy, because victims and their families may be mentioned, but when a decision is taken to release back into the community somebody who has done appalling things, the public are entitled to know what the basis for that was and what the arguments and evidence were.

Liz Saville Roberts: I apologise for not making a speech today, but I am meeting Rhianon Bragg, whose case I raised in Justice questions. She has now received a letter of apology from the Secretary of State for Justice. Her medical, mental health details were given in a dossier to her abuser. She had previously applied to the Parole Board for his release hearing to be held in public, and that has been refused.

This mistreatment of a victim by the criminal justice system in itself warrants a public Parole Board hearing, because the public need to know why that happened. She has now been advised to apply to attend the Parole Board hearing in private but, frankly, this case is an example of it being in the public interest of justice for there to be an appeal procedure for the Parole Board. Far more Parole Board hearings should be in public, as the hon. Gentleman is calling for.

Graham Stringer: I agree with the right hon. Lady, and thank her for her intervention.

We do not only want transparency; there needs to be an examination of the statistics. We were told on the Science and Technology Committee that the percentage of prisoners applying for parole and getting it had gradually increased over the last 25 years from 10% to 30%—that is a huge change. My suspicion is that, even though it will not be down in writing, there is tremendous pressure on the number of people in prison. There is tremendous pressure on the costs; it costs a lot of money to keep somebody in prison. Somewhere in the background, without it being stated explicitly, there is pressure to get more people out, and that—probably—means that some people are being released into the community who are a risk to it.

The statistics on reoffending appear to be small. We were told on the Committee that in recent times 12 people have been released who have committed murder, and there have been a number of other serious crimes. As percentages, those are very low, but obviously those crimes are an absolute catastrophe for every family who has lost somebody to a murderer, and for the person who was murdered, and an indication that something has gone seriously wrong.

The Parole Board keeps for three years statistics on offences by people released on parole. When we questioned the chief executive of the Parole Board, we were told, “Well, after three years there is not a lot to learn, because Parole Board members may have changed and the process may be slightly different.” I do not accept that. Many of these prisoners are in for life, and the statistics that are kept should be kept for the whole of their lives, until they die of natural causes or go back to prison, so that we really know what is happening.

There was also a serious conflict of evidence between the Parole Board and some of the academic witnesses about how likely repeat offending was. According to the notes we had as Committee members, and what was said, there was a 25% reoffending rate for sexual offences against children who were non-family members. I have to say that the Parole Board did not accept that figure, but the academics were clear.

The other dispute over the evidence was that, in looking at the three-year period, many of the academics said that there is a curve showing that offending for certain offences was more likely the longer the period. Again, the Parole Board disputed that. If there are good records, these things can be verified factually; we should know what the answer is.

When it comes to the process of deciding whether somebody should be released, the Parole Board has limited tools. Psychiatrists and psychologists give reports. I say as a scientist, as well as a member of the Select Committee on Science and Technology, that sciences such as astronomy and many other branches of physics are predictive: we know where Saturn or Mars will be in 10 months, 10 years or 100 years.

Psychiatry and psychology are not predictive. The evidence before the Science and Technology Committee was that the psychiatric and psychological methods used for assessment were 20 years out of date, and that there were better ways to do it. Even with the better ways, there is no certainty around the risk of a prisoner reoffending. Even though the tools used at present are better, they are limited.

The second point is that statistically, given a series of factors, prediction is more accurate. On a statistical basis, it can be said that, given those factors, 2% of prisoners will reoffend, but we do not know which 2%. It is important to know the risk, but none of that gives a guarantee that a person will not reoffend. It is worth considering that against the background of the large increase in the number of people being released back into the community.

I have tried to stay with the factual basis of what the science says, what the science can and cannot do, and the practical mistakes made by the Parole Board. We heard very concerning evidence that a sex offender treatment programme increased rather than reduced the chance of reoffending. That programme should be looked at. There should be a clear definition of what is meant by public protection and how it is measured. In addition to that sex offender programme, there should be a proper assessment of all rehabilitation programmes and where they take place.

I have already mentioned that Worboys was a category A prisoner when a decision was taken to consider him for parole. We were told that he was not on his own. We were also told that it was almost unheard of 25 years ago for category C prisoners to be considered for parole, let alone categories B and A. That seems to be one reason for the increase in prisoners being released. The previous process of rehabilitation programmes in prison, with people moving down the category list into open prisons, is less common, although it has not been abandoned. There are certainly many exceptions to that rule. We did not hear any reasons why those exceptions had been made.

I have talked for quite a long time. These issues are important—I know our constituents consider them to be important—and very difficult ones. I refer people who think that the Parole Board can be objective to what I think is not a nice but a rather brilliant film by Stanley Kubrick, “A Clockwork Orange”. It has a different ending, incidentally, from that in Anthony Burgess’s book. Had he been alive, Burgess would have been at one time a constituent of mine; he was born and brought up in my constituency.

Alex DeLarge, the villain of the piece—a hooligan and rapist—goes through all sorts of psychological brainwashing processes to turn him into a model citizen. At the end of the film, when the establishment says, “This has worked; we have now turned Alex into a decent human being”, he turns round and winks at the camera. In a rather unpleasant way, that is a celebration of how the human spirit cannot be brainwashed and he, one guesses, is still the nasty person he was at the beginning of the film.

The Parole Board has a difficult job in assessing cases. It is a necessary job, but it has gone away from the standards of evidence and from being able to tell us that it has been thorough with the procedures. In two of the cases that I have brought up, the Parole Board has failed to tell the victims and families, and that should be an impediment to somebody leaving. The probation service wrote to me and said that it is difficult to find families 20 years later. It might be difficult, but if it uses the local press and tells people and is transparent, it might be a great deal easier to find members of families who have moved and changed their telephone numbers.

I am not saying that the Parole Board’s job is easy—it is difficult—but it has not been done as thoroughly and well as it could have been. People have been put at risk and potentially put at risk. The Government need to change the policy on the basis of the evidence and make sure that the public are secure by not allowing some people to get parole and by making sure that they are as certain as they can be that some other people pose no risk to the public.

9.58 am

Jim Shannon (Strangford) (DUP): It is a pleasure to serve under your chairship, Mrs Murray. I thank the hon. Member for Blackley and Broughton (Graham Stringer) for leading the debate, and the right hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts), who has had to go to another meeting, for her great knowledge of the subject. If she had been able to make a speech, that would have added to the debate, but her interventions certainly helped to steer it in a certain direction.

The hon. Member for Blackley and Broughton is absolutely right. I will echo his concerns and give some examples from Northern Ireland, although the Minister here today does not have direct responsibility for all that happens in relation to the Parole Board or, as it is in Northern Ireland, the Parole Commissioners for Northern Ireland. I appreciate that the Parole Board is complex, and is limited mostly to England and Wales, and it is important to recognise that we have a separate entity in Northern Ireland.

The 2018-19 parole reforms were crucial for the safety of victims during the parole process. They were partly a response to the case of John Radford, a prolific rapist who committed over 100 assaults. None of his victims was informed when he was released on parole, when they should have been. The case resonated with me at the time in terms of the importance of supporting and defending the victims of crime.

I remember a case in my constituency of Strangford in Northern Ireland. A lady was in the major supermarket in Newtownards one day, when she turned a corner to be met with the man who had murdered her son during the troubles. She had no idea that he had been released; she had never been consulted or told. That lady was shocked and traumatised when she turned the corner of the shelves and there he was—blatant, unrepentant and with almost a wink of his eye as he looked towards her. The impact on her was dramatic, and if it were not for the fact she had the trolley and the shelves to lean on, she would probably have collapsed there and then in the aisle of the shop.

In that case, due diligence had clearly not been completed. We must support such measures for any future changes to the Parole Board or the Parole Commissioners for Northern Ireland. The traumatising of the public or re-traumatising of the victim should be at the heart of the discussion. I have extreme concerns about that, as, I am sure, do many across the House. The hon. Member for Blackley and Broughton clearly and succinctly put that matter on record.

There have been ongoing discussions about whether it is acceptable for the Parole Board to be an executive non-departmental public body or whether it is more appropriate for it to be a part of the court system. The Minister always takes our thoughts on board and tries to respond positively, so will he clarify that point?

[Jim Shannon]

In my office, we often have phone calls about matters such as custody of children, family finance issues and marital support. Fortunately—or unfortunately, perhaps—as elected representatives we have no say in relation to legal matters. We have been told to leave such issues up to the courts, solicitors and tribunals. I always do that; I never advise on a legal matter, as I am not qualified to do so. I can give people information about where in the town they can seek legal advice. If it is a work issue, I will refer them to the Labour Relations Agency. The best legal advice comes from people who are qualified to respond.

However, with the parole system, there are circumstances where the Secretary of State can have a say and apply to the Parole Board for reconsideration of a decision that has been made. I am ever mindful that in Northern Ireland, with the troubles we have had, the case for many who have lost loved ones is real. In a small Province like our own, in many cases those who have committed the most beastly, monstrous and terrible crimes walk the streets, so victims will always be paramount in my consideration.

Victims of crimes can ask the Secretary of State for a reconsideration mechanism, but I believe the victims themselves should be able to take these matters forward, as ultimately it is their lives that will be turned upside down. Some victims I know carry the burden of a lost one to their very grave. I have personally known some of those people; I often think of the ones who lost their lives in the troubles. I particularly remember someone whose family member was murdered by the IRA, and he told me that he thought of them every morning when he woke up and every night when he went to bed. That is what it means for victims, and then they see the perpetrators of those crimes walking the streets—I will use the word “unrepentant,” because in many cases they are; there might be some who wish they had never done what they did, but there are many who do not have that attitude.

The changes recommended by the 2022 root-and-branch review of the statutory test for release still must be implemented. The UK Government have argued that in the absence of parliamentary intervention, the application of the current test has drifted from its original intention. In the most serious cases, I believe that Parliament should have a role to intervene where the victim is comfortable and satisfied with Parliament and Government doing so. Again, that is my request to the Minister: is that something that the Government would consider? I think that should be done, and I am keen to hear the Minister's response.

A more precautionary approach must be taken, with more input from more representatives to ensure the very best outcome. Parole hearings need to take into account what are described as top-tier offences—for example, murder, rape, terrorism or terrorism-related offences, and allowing or causing the death of a child. I find it impossible to fathom, or to understand in its entirety, the pain of those who have lost loved ones for those reasons, and how that traumatises the family—that mum, dad, brother, sister, grandparent, uncle or aunt—forever. In many people's humble opinion, those sorts of crimes do not warrant parole or release, as the hon. Member for Blackley and Broughton said in his

introduction. Those crimes are of such magnitude, ferocity and evilness that I probably would not support parole for them, on the grounds that the victims' families should be paramount in any decision on release. In many people's humble opinion, not just mine, those sorts of crimes do not warrant parole, or being released but under review. When such a decision is to be made, it must be referred to the Secretary of State and to central Government here.

The onus of this discussion has always been on, and should always remain with, the victims of crimes. It is sometimes easy for behaviour to be assessed after years have passed, and sometimes people can change, but the hurt and torment never go away for those who are left to pick up the pieces. Victims deserve to have their opinions aired at public tribunals, and those opinions must be paramount in all that happens. They deserve to feel safe in the communities they live in; more importantly, they deserve to feel that our judicial system and our Government are working for them and only for them—for the victims, not the perpetrators, of those awful crimes and for the lives that have been changed forever. It is those for victims that I am here today, as is the hon. Member for Blackley and Broughton.

10.7 am

Alex Cunningham (Stockton North) (Lab): It is a pleasure to serve under your chairmanship, Mrs Murray. I congratulate my hon. Friend the Member for Blackley and Broughton (Graham Stringer) on having secured this hugely important debate to highlight the urgent challenges facing the parole system. Much of my speech will reflect and build on his concerns.

My hon. Friend mentioned the deeply distressing case of Andrew Barlow, formerly known as Andrew Longmire, and I echo his concerns. I, too, welcome the Lord Chancellor's referral of the case back to the Parole Board for reconsideration that was announced yesterday; it is a testament to the hard work and campaigning of the victims. I also put on record my admiration for my hon. Friend and the vital work he has done, championing those victims' cause in Parliament. As a former journalist, I also commend the role of the media in this particular case. However, it is totally unacceptable that the victims and their families did not receive the expected prior notification of Barlow's planned release. Sadly, as highlighted by the hon. Member for Strangford (Jim Shannon), such failures are regularly repeated.

I am aware that the head of the Parole Board has expressed regret at the fact that some of Barlow's victims were not informed, but that is simply not good enough. I note that when Sonia Flynn, the chief probation officer, gave evidence to the Science and Technology Committee last year, she confirmed:

“It is in statute that we must consult victims of serious crime on their view of release, and for them to also give our victim liaison officers a view regarding the protections that we need to put in place to reduce their concerns about that individual if the Parole Board does choose to release—particularly the obvious concern that they could bump into them in the street.”

It is deeply worrying that, even with a case as serious as this one, mistakes have been made.

I was horrified to learn that one of the victims, who still has nightmares three decades on as a result of the horror of Mr Barlow's offending, only found out about

his potential release, as we have heard, by reading the *Manchester Evening News*. We cannot allow our justice system to continue to treat victims as an afterthought. All of Andrew Barlow's victims should have been signed up to the victim contact scheme and received communications from a victim liaison officer regarding how long he would be in prison, when he was up for parole and when he was likely to be released. They should have been told how to make a victim's statement at the parole hearing. Such failings can retraumatise victims and seriously damage the public's confidence in our justice system.

The Parole Board's statutory purpose is to ensure that people who are dangerous are not released back into the community. It is a system designed to ensure public safety and to protect victims of crime, but after 12 years of Tory incompetence and chaos, our justice system is on its knees. Before the Minister uses the P-word, let me say that it was chaotic before the pandemic. Public confidence in the system is already near breaking point and with each further failing it gets closer to collapse. The Sentencing Council's 2022 research report tells us that 45% of those surveyed were not confident in the criminal justice system's effectiveness and 44% were not confident in its fairness. Does the Minister share my shock at those statistics? Public trust, efficacy and fairness of criminal justice are vital, or we will see fewer victims coming forward to report crimes and even greater numbers withdrawing midway through the process.

The 2019 Conservative manifesto promised to support all victims of crime and do right by victims, but the Government simply have not addressed these ongoing problems. How can year-long court delays and chronic staffing shortages from one end of the system to another contribute to a system that is doing right by victims? The Minister will not be surprised by my next question: when will the victims Bill come before the House?

It is clear to us all that the Government have completely lost their grip on criminal justice. Labour is the only party that can be trusted to deliver on law and order. We know that careful parole decisions are essential to reducing reoffending and its costs to society. Reoffending costs our society an astonishing £18 billion each year according to the Government's own figures. Changes to the parole system introduced by the Government in June last year prohibit probation officers from giving a view or making recommendations to the Parole Board on progression or release of prisoners, thus removing an important element of professional expert knowledge from the process. In his evidence to the Science and Technology Committee, Martin Jones—CEO of the Parole Board—emphasised this expertise by saying,

"It is really important to make the point that we get evidence from prison and probation officers on whether a person is safe to be released or not, and work by the Ministry of Justice some years ago suggested that 90% of our decisions are in line with the evidence provided by report writers. That provides some evidence of consistency."

In July last year, the three recognised Probation Service unions—Napo, Unison and the GMB—penned a letter to the Secretary of State with warnings about the serious consequences of the decision to prevent probation staff from making recommendations in written reports and oral evidence to the Parole Board under any circumstance. The ability to do so has long been a vital and valued part of the parole process. The unions warned that the decision

"severely endangers the ability of the Probation Service to protect victims of the most serious offences, and indeed the wider public, from the risk of serious harm posed by many individuals involved in the parole system."

It further de-professionalises this vital public service role, leading to staff demoralisation, and exacerbating the retention problems that the Probation Service already faces. Prison and probation officers work hard day in, day out to deliver justice, and yet again they have been dismissed, undervalued and let down by this Tory Government. Speaking to the Ministry of Justice last year, a senior probation official said:

"It is extremely difficult and very disappointing that the Parole Board is the last to hear about important decisions which strike at the very heart of the difficult decisions we are asked to make. It makes our members' already difficult job close to impossible."

In fact, Napo members raised concerns about having to supervise someone in the community who they would not have recommended for release. They talked about the extreme stress that could cause, as well as the increased risk of further serious offences.

I am interested to hear from the Minister why removing probation recommendations was not included in the root-and-branch review of the Parole Board, and why there was no prior consultation with all stakeholders before the changes were implemented. Napo is concerned that removing professional recommendations in parole will lead to inappropriate releases and the non-release of those who otherwise may have been granted parole. Will the Minister share what impact assessment has been carried out on that particular issue, and confirm whether the Government sought the views of the Parole Board itself about having to make release decisions without expert witness recommendations?

The changes allow for the Secretary of State to make recommendations. That happens only in the most serious of cases—around 150 of the 6,000 that the Parole Board deals with each year. The remaining cases will now have no recommendation given, which seems astonishing to me. I ask the Minister for further information on the so-called "critical few" cases that the Secretary of State will be involved in. Can the Minister share how many oral hearings have been attended by a Secretary of State's representative in recent times? In how many of those oral hearings did the Secretary of State's representative recommend no progression—either from closed or open conditions, to open conditions from closed conditions, or release on licence?

Public hearings, the other major change introduced last year, were consulted on via the root-and-branch review. My hon. Friend the Member for Blackley and Broughton mentioned that as well. Personally, I am in favour of increasing the transparency of such hearings. When done properly, they could help to improve public confidence in the system. I know there have been only a few public hearings since their introduction, but could the Minister provide an update on how they are running, and how much engagement there has been with them? I understand that a remote link has to be set up to allow viewing, so I assume the Government have some sense of how many people are attending.

Finally, our probation service is still reeling from the reckless transforming rehabilitation programme, a failed experiment in privatisation. That disaster proceeded because the then Secretary of State, the right hon. Member for Epsom and Ewell (Chris Grayling), failed

[Alex Cunningham]

to listen to the warnings of those with the wealth of experience and expertise. I sincerely hope the current Secretary of State does not make the same mistake with parole.

10.18 am

The Minister of State, Ministry of Justice (Damian Hinds): It is a great pleasure to see you in the Chair and serve under your chairmanship, Mrs Murray. I congratulate the hon. Member for Blackley and Broughton (Graham Stringer) on securing this important debate. His speech was thoughtful, deliberative and balanced. He spoke in the light of some of the most appalling and horrific crimes, murders and rapes that we have known in our lifetimes. The thoughts of all of us in this House are with the victims of those terrible crimes and their families. Their loss—their tragedy—does not dim with time. As the hon. Member for Strangford (Jim Shannon) said, victims must always be paramount in the system. The system must work for them and must be seen to do so.

I am pleased to have the opportunity to speak about the vital and difficult role that the Parole Board plays, as the hon. Member for Blackley and Broughton said, in protecting the public by making decisions about the release of some of the most serious offenders in our system. It is critical that the parole system works as effectively as possible to keep the public safe. That is, and must be, the top priority. The hon. Gentleman mentioned the September hearing of the Science and Technology Committee, of which he is a member. I have read the transcript of that hearing and agree that it was important and useful. He rightly said that statistics are important, as is understanding the statistics. He also said, and he was right, that statistics can only ever take us so far, because a serious reoffence is the most complete catastrophe—I think those were the words he used—for an individual and their family.

He made a specific point about reoffending statistics. I want to clarify that under the probation serious further offence procedures, His Majesty's Prison and Probation Service captures data on every serious further offence that is committed by an offender who has been released by the Parole Board, regardless of how long afterwards that serious further offence was committed. I will write to him with the data behind that.

As has been mentioned by Members, including the Opposition spokesperson, the hon. Member for Stockton North (Alex Cunningham), the Government conducted a root-and-branch review of the parole system, which was published last year. It set out our proposals for making further improvements. I will say a little about the measures that we are taking, as well as seeking to address some of the points that colleagues have made.

We have heard about the impact on victims when offenders are considered for release by the Parole Board. I pay tribute to the hon. Member for Blackley and Broughton for his unfailing support for constituents who have been so dreadfully affected by serious offending. These are difficult and deeply distressing times for them, and I want to apologise to any who have not received the service that they should have. Their experiences demonstrate why it is so important to ensure that they, and the victims of other terrible crimes, are properly supported.

To that end, I will explain the measures that we are taking to improve the way the victim contact scheme operates, particularly when it comes to tracing and working with victims of offences that were committed before the scheme was established. I hope my comments about the action that we are taking will reassure colleagues about how seriously we take these matters and that, despite the problems that sometimes regrettably occur, we do have an effective system for keeping victims informed about the parole process.

One of the Government's priorities, as set out in the root-and-branch review, is to improve openness and transparency. We want to enhance public understanding and bolster confidence. It is clear that in all cases, victims need to be kept updated on what is going on in their case, and we are looking at ways to improve that.

Before I say more about our plans to reform the system, it might be helpful if I first briefly go through the legislative framework within which the Parole Board operates. The Parole Board's purpose is to decide whether prisoners convicted of serious, violent or sexual offences, who are serving certain types of sentences, can be safely released into the community on licence. The sentences dealt with by the Parole Board include life sentences, indeterminate sentences for public protection, extended determinate sentences and the sentences of those who are recalled to prison for breaching the terms of their licence. When passing sentence, the trial judge will set a minimum custodial period, which the offender must serve in prison for the purposes of punishment and deterrence. Once the minimum period has been served, the Secretary of State is required to refer these cases to the Parole Board so that the prisoner's suitability for release on licence can be considered.

That decision is about the offender's current risk, having completed the part of the sentence that the judge has said must be spent in prison for the offences committed. The wording of the statutory test for release is clear. The Parole Board must not give a direction for a prisoner's release unless the board is satisfied that it is no longer necessary for the protection of the public that the prisoner be confined in prison. When applying the public protection test, the Parole Board needs to consider whether there is a risk of serious harm. If release is directed, the Secretary of State must comply with that direction unless it appears legally flawed, in which case the Secretary of State has the power to ask for the decision to be reconsidered.

The Parole Board is an independent body with expertise in risk assessment. It takes robust and fully-evidenced decisions. The board takes public protection very seriously. In around three out of four of the cases that are referred to the board, it decides to keep the offender in prison for the protection of the public. Where the board does direct release, less than 0.5% of the people in those cases go on to commit a serious further offence within three years. Any serious further offence is, of course, a tragedy and is fully investigated. The vast majority of offenders released by the board do not go on to cause serious further harm.

The hon. Member for Blackley and Broughton raised the Worboys case. That awful case highlighted the need for improved transparency, especially for victims, about the reasons for a Parole Board release decision. As the hon. Gentleman will know, in 2018 we introduced decision summaries, which are now routinely provided to victims

and others to explain why the board has directed a prisoner's release. The case also highlighted the need for a better and easier way to challenge parole decisions if they can be shown to be flawed. That led to the introduction in 2019 of the reconsideration mechanism, which the Secretary of State uses in cases in which he considers that a release decision should be looked at again.

We intend to go further to ensure that the system is as robust as possible. The root-and-branch review set out key proposed reforms that aim to ensure that public protection is the overriding consideration for release decisions and to introduce additional safeguards into the system.

Graham Stringer: I thank the Minister for his kind remarks. Will he respond to the two points that I made in the area that he is considering at the moment? One was that there seems to be an unexplained and dramatic increase in the 25% of prisoners who, as he just mentioned, are being released. The other was that category A, B and C prisoners are also being recommended for parole, which was not previously the case.

Damian Hinds: I will respond to the hon. Gentleman on the precise numbers in correspondence, if I may. The important point is that every case is considered individually on its merits; that has to be at the heart of how the Parole Board goes about its business.

We will make the release test more prescriptive, so it is absolutely clear that prisoners should continue to be detained unless it can be demonstrated that they no longer present a risk of further serious offending. Secondly, for a top tier of the most serious offenders—I think that the hon. Member for Stockton North asked for clarification on what the tier consists of; it is those sentenced for murder, rape, causing or allowing the death of a child, and terrorist offences—we will legislate to give Ministers the power to refuse a release decision made by the Parole Board if they disagree with the board's view that the release test has been met. That will provide an additional safeguard and, I hope, further reassurance to victims that for the most serious offenders, including murderers and rapists, there will be oversight by Ministers, who will be able to prevent release if that is considered necessary to keep the public safe.

Thirdly, we will legislate to ensure that the Parole Board's membership includes more people with law enforcement backgrounds, who will sit on panels dealing with the most serious cases. Having more members who are, for instance, ex-police officers with first-hand experience of tackling crime in our communities and dealing with serious offenders will further enhance the Parole Board's expertise in assessing the risk such offenders present. The measures that I have described will require primary legislation, which, to respond to the hon. Member for Blackley and Broughton, we will introduce at the earliest opportunity.

We have already taken other steps within the system to enhance public protection and increase confidence. For example, we have reformed the way indeterminate sentence prisoners are moved to open prison conditions, and Ministers can block such moves if they do not meet new, tougher criteria. Also, we have introduced a new system whereby Ministers can submit an overarching view to the Parole Board about release in some of the most serious and troubling cases before any decisions

are taken. That ensures that it is made very clear to the board at the outset if there is a case where Ministers would be opposed to the prisoner's release.

I return to the important issue of victims' experience of the parole system, which is at the heart of the case that the hon. Member for Blackley and Broughton made, and the measures that we are taking on it. When offenders are being assessed for release by the Parole Board, it can be a very difficult and distressing time for victims. We want to improve the way victims are engaged in that process, give them additional opportunities to hear about what is going on, and make them feel and know that they have more of a voice.

The mechanism by which victims are kept informed about parole is the victim contact scheme, which is operated by the probation service. It was first established in 2001 and applies to victims of sexual and violent offending where the offender is sentenced to imprisonment of 12 months or more. Victims who have signed up to the contact scheme should always be notified when a prisoner is coming up for potential release.

Victims have a choice about joining the victim contact scheme. If they choose to join, they will be kept up to date with key developments, including prisoners' parole reviews, parole decisions and release decisions, by a dedicated victim liaison officer. During parole cases, victims can make a victim personal statement to the board, setting out the impact of the offence against them, and they may read it aloud to the Parole Board panel if an oral hearing is convened.

Victims also have the legal right to make requests about licence conditions, including a no-contact condition and an exclusion zone that prohibits the offender from entering areas where the victim lives, works or travels to frequently. Victims can also request a summary of the Parole Board decision and, where the Parole Board has directed release, they can ask the Secretary of State to consider applying to the Parole Board for the decision to be reconsidered.

It should be noted that some victims choose not to sign up to the victim contact scheme. Understandably, they may seek to do what they can to put the events of the case behind them. If there is no response to a second and third invitation to join the scheme, the probation service will properly respect their wishes and not keep contacting them. Victims can, however, join the scheme at any time, even if they have previously said no. A system in which all victims are notified about parole releases would not be practical for a number of reasons. For example, as I have said, not all victims will want to receive information, and unwanted contact from the service could retraumatise them.

The scheme was set up in 2001. For cases in the system before then, in relation to the victims of offences committed many years ago, it does not operate retrospectively. However, in the most serious and notorious of cases, such as some of those that have been referred to in this debate, the probation service should ask the police, through multi-agency public protection arrangements—known as MAPPAs—for support with tracing victims. In the Andrew Barlow case, which the hon. Member for Blackley and Broughton talked about, the Greater Manchester probation region is working with Greater Manchester Police to trace victims of the offences that Mr Barlow committed in the 1980s and 1990s and invite them to join the victim contact scheme. I should also

[*Damian Hinds*]

confirm that, as has been said, my right hon. Friend the Deputy Prime Minister and Secretary of State is applying to the Parole Board to reconsider its decision to direct Mr Barlow's release on life licence. Probation victim liaison officers will keep victims in the scheme informed of progress with the application for reconsideration.

As for the measures we are taking to make further improvements, particularly to increase transparency and the information available to victims and others, we committed in the root-and-branch review to allowing victims to observe parole hearings for the first time. We also confirmed that we would change the rules to allow for public hearings in some cases. I know that that has come up this morning, and I will say a little bit about the progress that has been made on both those commitments.

Since October last, victims have been able to observe Parole Board hearings as part of a testing phase that is running in the south-west probation region. During the hearings, victims are supported by probation staff, who discuss the parole process with them and ensure that they are directed to relevant support. We are working closely with the Association of Police and Crime Commissioners to ensure that tailored local support services are readily available, should victims require. We recognise that it could be retraumatising for a victim to hear the evidence that is explored during a parole hearing, so we are initially conducting a relatively small-scale testing phase to ensure we get the processes and support arrangements right. My paramount concern is to ensure that victims can observe the hearing in a way that is safe for them while not compromising the Parole Board's ability to conduct a fair and rigorous assessment of risk.

The hon. Member for Stockton North asked for an update on progress. During the testing phase so far, victims have welcomed the opportunity to observe hearings. Following their feedback, we are working to improve the process to prepare for its expansion across England and Wales.

Last year, having made changes to the Parole Board rules, we also saw the first public Parole Board hearing, which was in the case of Russell Causley in December. A second public hearing has been agreed by the board and will take place this year in the case of Charles Salvador, formerly known as Charles Bronson. These changes will help to improve public understanding and awareness of the parole process.

In the root-and-branch review, we also committed to reviewing the current guidance and requirements for providing victims with information about the parole process. Our review will identify areas for improving the information that victims currently receive through the victim contact scheme. We will ensure that, where victims have requested it, they receive effective, clear and timely communication about the parole process so that they are sufficiently informed as their case is progressed.

As part of the primary legislative reforms that I referred to earlier, we intend to require the Parole Board to consider written submissions from victims about the release of the prisoner. That will be in addition to the victim personal statement that victims are already permitted to make to the board. Again, that is about doing more to give victims a voice and an opportunity to put their concerns and views to the Parole Board.

I want briefly to cover a few other points that came up during the debate. The hon. Member for Blackley and Broughton raised the sex offender treatment programme. The SOTP was discontinued in the light of research evidence, and a new treatment programme has been introduced, which relies less on group work.

The right hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts), who is no longer in her place, indirectly raised a couple of points—one of which was also raised by the hon. Member for Stockton North—about the important issue of what is in the dossiers that are brought to the Parole Board and the content that comes from different perspectives and analyses. They both asked about not having individual staff recommendations. Reports will continue to provide all the same information, evidence and assessments about the prisoner as they currently do, with the exception of a recommendation or review from the report writer. The reason for that is that it is the Parole Board's responsibility to decide whether the prisoner is safe to be released or should stay in prison for the protection of the public, based on the entirety of the evidence received. The written reports, including those from prison, probation and psychology staff, and the questioning of witnesses at oral hearings, will continue to provide all the evidence the board needs to enable it to reach fully informed decisions.

Alex Cunningham: The point about the information staff provide and how confident they are that it is being shared is important. I mentioned that staff appear to be concerned that we are releasing prisoners they would never have recommended be released. What does the Minister have to say to them about the credibility of information that is before the Parole Board, and the confidence in the decision?

Damian Hinds: As I am sure the hon. Gentleman recognises, the situation he describes could have happened anyway. I reassure him and other colleagues that this is not a diminution of the information that goes into the risk assessment. All of that information is still there, and that totality of information will be considered in the round.

The right hon. Member for Dwyfor Meirionnydd and the hon. Member for Stockton North asked about the impact assessment on changes to the recommendation system. The right hon. Lady specifically asked about impact on minority ethnic offenders. I want to reassure them that that impact is being monitored, though it is too early to assess on a segmented basis. It is important that we keep such matters under review.

I hope I have been able to provide some reassurance that, through the actions the Government are taking, victims' concerns and the protection of the public are at the heart of our vision for the future of the parole system. I am grateful for the opportunity to respond to this important, thoughtful and measured debate, and thank everybody who has taken part—in particular the hon. Member for Blackley and Broughton, who secured it.

10.41 am

Graham Stringer: I thank the Secretary of State for applying for reconsideration, and I thank the Minister and right hon. and hon. Members who have participated in the debate, which I agree has been thoughtful. I hope it has brought to light some of the procedural failings

of the past that need to be put right, and that there are worrying gaps in the information available, the statistics and the trend in those statistics, particularly the increase in the number of prisoners getting parole. There appears to be no obvious reason for that, and we need to understand it. Thank you for chairing the debate, Mrs Murray.

Question put and agreed to.

Resolved,

That this House has considered the future of the Parole Board.

10.42 am

Sitting suspended.

Total Allowable Catches: Fisheries Negotiations

11 am

Mrs Sheryll Murray (in the Chair): I will call George Eustice to move the motion and then call the Minister to respond. As is the convention for 30-minute debates, there will not be an opportunity for the Member in charge to wind up.

George Eustice (Camborne and Redruth) (Con): I beg to move,

That this House has considered the methodologies for setting total allowable catches for data-limited stocks in fisheries negotiations.>

It is a real pleasure to serve under your chairmanship, Mrs Murray. It is very appropriate for you to chair this event since, as every Member present knows, your knowledge and experience of the fishing industry is unrivalled in this House. I am sure that, were you not being impartial in chairing the debate, you would have plenty to say on the matter.

In my time as a Department for Environment, Food and Rural Affairs Minister, I had two key observations. First, every Minister comes in with plans for the environment, and one of the first things they need to learn is that the environment has plans for them, too, and they are not always very pleasant.

The second truth is that every Minister coming into DEFRA says that they will have an evidence-based approach and will follow the science. But when they ask the scientists what should be done, they find that the scientists are not quite sure. They talk about evidence gaps and things that they do not understand, and are reluctant to come up with a clear policy proposal. That means Fisheries Ministers in particular are inevitably left with the thankless task of trying to make policy decisions with imperfect evidence, but making the best use of the evidence that they have. Nowhere is that conundrum more complex than in fisheries.

I recall a fishing representative giving evidence to a Select Committee. As he put it, fisheries is not rocket science; it is way more complicated than that. There are uncertainties in the science and in the way we calculate maximum sustainable yield. There are difficulties, for instance, around assessing the age of a fish. The basic approach to maximum sustainable yield is to allow fish to reproduce for at least one generation, and that stock should be sustainable. Typically, scientists measure the average length of fish when they are landed to try to assess the age of the stock and its reproductive capacity. That is the essence of the calculations that take place.

But there are difficulties all round. First, fish of different ages tend to inhabit different parts of the ocean, and trying to make sense of that can be difficult. It can be a hit and miss science to understand exactly what the average length of a fish is, given that they are very mobile and move around.

Jim Shannon (Strangford) (DUP): I thank the right hon. Gentleman for securing this debate. I am extremely interested in what he has to say, and I spoke to him beforehand. I have one example of the importance of data. We have witnessed a remarkable turnaround with spurdog. In a most important fishery, limited data led to a ban on landing the species. However, the situation

[Jim Shannon]

has changed dramatically, based on the data for 2023, with a total allowable catch agreed with the European Union for the year ahead based on up-to-date scientific advice. A statutory instrument is to follow, as the Minister knows. That is because of the data-limited status and the evidence that has made the change.

Mrs Sheryll Murray (in the Chair): Order. This is a 30-minute debate. If interventions are to be made, can we make them short and snappy, please?

George Eustice: I think I get the hon. Gentleman's point and the Minister might want to address it, but my understanding is that there is now data on spurdog and a total allowable catch has been allocated. One consequence of leaving the European Union is that we have accountable processes in this House for introducing regulatory changes, and I believe a statutory instrument is needed, which takes time to introduce. In the EU, because there is no such accountability, the Commission can literally just issue delegated Acts and implementing Acts sometimes on a whim without any real process behind that.

To continue my point, the length of the fish is not always a good sign of its reproductive capacity, so there are complexities with some species—haddock, in particular—for reasons that we still do not really understand. Roughly every seven years we get a big recruitment year, and it is hard to predict when that will happen. It is difficult to differentiate between different species of the same genera, so we have, for instance, composite TACs for species such as skate and ray whereby there are some 24 different species in a single TAC. To try to make sense of that, we introduced prohibitions on landing some subspecies within the TAC, but sometimes it is hard—for fishermen and for scientists—to distinguish between species visually, even though we know they are biologically different.

For some species, age cannot be determined by the length of the fish. I remember being briefed that scientists had to go to other measurements, such as the size of a fish's eardrums, to try to make an assessment because the fish's length was not a reliable indicator of age, and it threw the calculation out.

There is also the problem of uncertainty around fishing mortality. In particular, we do not have accurate data on recreational angling. Recreational anglers and commercial fishermen have hours of fun blaming one another for the state of particular fish stocks, but exactly what is fishing mortality is a difficult conundrum. That is especially the case with species such as pollack and bass. There is a further complication, which is that fish eat one another. The marine environment is dynamic, and a healthy recovery of one species might put pressure on another, which is preyed on.

As if all that were not complicated enough, there is a political context in which Fisheries Ministers have to operate. The Fisheries Minister has to arbitrate between competing interests among different UK Administrations, and indeed competing interests among different sectors, such as the pelagic and white fish sectors, the inshore fleet and so on. To reach a compromise with other countries to get a multilateral agreement on how to approach fisheries, we will, at times, have to accept others' interpretation of the science, which might not

be entirely in line with our own. If we do not get a compromise and do not get an agreement, and people unilaterally set quotas, that is the worst of all worlds.

Finally, there is a tendency, once policy in fisheries is set, for it to be set in stone. It is easy to follow the path of least resistance, and to do this year what we did last year, putting off changing things to a future year, only to find in a decade or 15 years that it is too difficult to change everything because the concrete has set. That was the case, for instance, in the EU era when we had relative stability, although the landing shares of different countries were hugely outdated. However, under qualified majority voting it was impossible for the UK ever to argue for change because the only countries that would have supported us in arguing that also wanted our fish in return for their support.

My right hon. Friend the Minister joins a small club of Fisheries Ministers and former Fisheries Ministers who have had to wrestle with those dilemmas, and he has to make the best judgment he can using the evidence available to him, but he does have one thing in his favour, as we all do, which is the support of the Centre for Environment, Fisheries and Aquaculture Science.

Without question, CEFAS is the world's leading fisheries science organisation, and its head office and main research facilities are in Lowestoft. If Members visit Weymouth, they will find a global centre of excellence on fish health, and in the reception at Weymouth are probably the best-cared-for carp in the world. CEFAS is very influential on the deliberations and methodologies applied by the International Council for the Exploration of the Sea. Indeed, our current chief fisheries scientist, Carl O'Brien, is also vice-president of ICES and a leading authority in this area.

I remember going every year during the EU era to the December European Council, and CEFAS would often detect and have to correct errors made by the Commission services. DG MARE—the Directorate-General for Maritime Affairs and Fisheries—did not particularly welcome the fact that an agency from a nation state was correcting its errors, but it nevertheless accepted when it was wrong. Of course, CEFAS always offered advice in an understated, very British way, which made it as easy as possible for the Commission to deal with those errors.

My purpose in calling the debate is to encourage the Minister not to allow the concrete to set on the way we interpret the science, and to ensure in all the bilateral fisheries negotiations we have that CEFAS's pre-eminent scientific knowledge is projected forwards and shapes not just the approach for negotiations with Norway or the European Union, but the methodologies taken by organisations like ICES. The particular prompt for the debate was the Cornish Fish Producers' Organisation highlighting to me a particular case of pollack in the Celtic sea.

In the EU era, there were three principal ways of assessing data-limited stocks. The first was taking a precautionary approach, which simply meant an arbitrary 20% cut on species where we had limited data—that is, not a full dataset to enable a maximum sustainable yield assessment. The second was a “use it or lose it” approach. Empirical evidence from the previous year's catch would be used to say, “Well, if they haven't caught it, it is probably not there.” The third was saying there should be a roll-over approach. In essence, that was an assessment

that the stocks are probably in a good shape, so we should just leave it where it is and roll it over year to year until the evidence suggests otherwise.

Even when we were in the European Union, we ferociously resisted these arbitrary, unscientific approaches. To be fair to the European Union, it was not just something that it had made up; its approach often reflected ICES advice in some of these areas. For over a decade now, ICES has recognised that those arbitrary approaches are not fit for purpose. In fact, probably as long ago as five years ago, CEFAS identified and developed a superior methodology based on making the best judgment we could with the evidence we had. We termed it as using biomass trends to assess what the TAC should be with these stocks. It effectively meant having a moving average assessment of the stock and aggregating data across several different years to avoid sharp changes in the TAC in one direction each year, and each year the aggregate data would get more reliable. For a while, even in the EU, we actually got them to accept that this was a better way to approach things, and that is what we used to seek and usually secured at December Councils.

The thing that caught my eye in the press release from the CFPO was that it alleged that the Celtic sea pollack stock had been set under the old-fashioned “use it or lose it” methodology. There are lots of reasons why fishermen may not have caught fish—it could be that the market conditions were not right or that there was bad weather at the end of the year. That is why it is a wholly inappropriate basis on which to assess the health of a stock. My question for the Minister is, whatever happened to the work that CEFAS did on data-limited stocks and that biomass trend approach? Will he seek to reinvigorate that work or update Members here on what CEFAS is doing in this area? Most importantly, will he ensure that we use the soft power we have through pre-eminent scientific knowledge in fisheries to shape how not just the EU and Norway, but ICES approaches these difficult issues?

Peter Aldous (Waveney) (Con): My right hon. Friend has taken the case study of Celtic sea pollack. Would he consider how his approach might also help solve the dilemma with southern North sea spurdog? I was on CEFAS Endeavour on Monday morning and saw its excellent work, so could he quickly help us out of our dilemma on spurdog?

George Eustice: I will be quick because I explained this earlier. My understanding—as a former Fisheries Minister, one’s knowledge decays over time and the existing Minister will have far more knowledge than me—is that there is at least some evidence now to make an assessment on spurdog. I do not know whether it is a full dataset to provide a MSY assessment. Nevertheless, a TAC has been set on that basis and I believe it is simply a parliamentary procedure to get a regulation in place to enable that TAC to take effect, but I am sure the Minister will have heard my hon. Friend’s question.

11.15 am

The Minister for Food, Farming and Fisheries (Mark Spencer): It is a pleasure to serve under your chairmanship, Mrs Murray. I am glad to see you in the Chair, rather than in the Chamber intervening and asking me awkward questions.

I pay tribute to my right hon. Friend the Member for Camborne and Redruth (George Eustice) for securing the debate. I recognise his huge contribution to the future of fisheries from his work at DEFRA with fisheries; I hope that future is rosy and bright. It is worth putting on record the efforts he went to and the improvements he made to that industry, which I know is grateful for all his past work.

I recognise that there is a huge amount of experience and knowledge within the Chamber, but there will be people at home who do not have the same depth of knowledge. I hope those present will forgive me if they recognise and understand some of the things I say, but it is important to set out where DEFRA is coming from and what we are trying to achieve.

It is tempting to simply say yes to my right hon. Friend the Member for Camborne and Redruth, as many of the things he said are accurate, but I can assure him that we are not slipping back into those old ways, which he may be nervous about. It is just a coincidence that the 20% figure, particularly on pollock, has been arrived at, but I will get to that later in the debate.

We recognise that the fishing sector is under huge pressure. It faces challenges over increased fuel prices and getting access to labour. We recognise the hard work that the fishing sector is putting in and we look forward to working with the sector to try to assist it on its journey.

I am pleased to have this opportunity to provide some further explanation on one important element of how we arrive at TACs—the total allowable catch. The definition of a data-limited stock comes from the International Council for the Exploration of the Seas, as my right hon. Friend the Member for Camborne and Redruth said. ICES undertake the stock assessments that the UK and its neighbouring states rely on to set TACs for the shared stocks. ICES categorises its advice on a scale of 1 to 6, based on the available data and type of assessment used to generate the advice. For stocks where there is insufficient data, it can use analytic stock assessments. Data-rich stocks are categorised as ICES category 1 and 2. Stocks where the available data and assessment techniques fall short of these standards are classified by ICES as categories 3 to 6 and are truly data-limited stocks.

How does ICES provide advice on data-limited stocks? Historically, ICES has provided advice on data-limited stocks by adopting a precautionary approach. That was implemented by applying a 20% decrease, as my right hon. Friend said, in advised catches where stocks are considered either at risk or their status is unknown. ICES continues to improve its advice on data-limited stocks, and those efforts have increased since 2011, when ICES recognised the need to standardise and refine the data-limited methods.

That means that the precautionary 20% buffer is still used by ICES but only in increasingly rare situations, as new approaches to stock assessments and advice have been developed. ICES also continues to consider if it can justify moving stock assessments out of the data-limited category. As data and methods are slowly improving, this has resulted in a steady increase in the number classified as categories 1 and 2.

Mr Alistair Carmichael (Orkney and Shetland) (LD): Does the Minister share my frustration that after so many years monkfish is still regarded as a data-deficient species, given its very high value to the Scottish fleet?

Mark Spencer: It is easy to be critical of the data and science that are available to us. The right hon. Gentleman will know that fish move in the sea. It is not like counting sheep in a field; it is much more complicated than that. As my right hon. Friend the Member for Camborne and Redruth identifies, fish predate each other, and a boom in one species can result in a diminishing number of another. We are trying to measure and get data on a constantly moving feast.

How do we approach data-limited stocks in international negotiations? From a fisheries management perspective, data-limited stocks can present challenges when it comes to deciding how to use the scientific advice produced by ICES in setting TACs. Since becoming an independent coastal state, the UK's approach to developing TAC positions has evolved. We do not use any of the EU's historical approaches, such as "use it or lose it", as my right hon. Friend identified. Our approach is led entirely by our domestic policy framework, and the Fisheries Act 2020 objectives are our guiding light.

In the case of data-limited stocks, there are two Fisheries Act objectives that are particularly important: the scientific evidence objective and the precautionary objective. The combined objectives lead us to the position that our starting point for every stock is the ICES scientific advice, even when the data is limited. However, we of course consider each stock on a case-by-case basis, taking into account wider socioeconomic factors and the potential impact on the fishing industry of the decisions. That means that, for most data-limited stocks, we will advocate the application of the ICES-advised tonnage, but in particular cases we may depart from ICES advice because of those wider considerations.

One data-limited stock in particular—namely western pollack—has raised some questions, as my right hon. Friend identified, so I want to provide further information on that important stock. ICES produces a stock assessment for western pollack, but it is classified as category 4, and therefore the advice uses the ICES precautionary advice framework. The advised catch for 2023 was 3,360 tonnes, and that figure has been the same since 2019. Over that period, the total allowable catch has consistently been set much higher than that. However, a long-term downward trend in landings, which more than halved from 2016 to 2021, is a cause for concern about the state of the stock; it suggests the need for a lower TAC to prevent the stock from becoming over-exploited. The UK's aim is therefore to bring the total allowable catch more in line with ICES's advice. This year, a 20% cut was agreed with the EU for 2023, which follows on from the 15% cut negotiated with the EU last year. The size of the cut is a product of the negotiation process, but is not based on any particular rule or approach.

We have acted in several ways to support the improvement of the data on fish stocks. Through the fisheries industry science partnerships scheme, DEFRA has been directly encouraging applicants to tender for data collection activities. That has proved very successful: there are 12 large projects directly investigating and collecting data on data-limited stocks. That will mean that over 70% of FISP funding, which equates to over £5 million, will have been awarded to projects of that type. They include a 24-month project on data collection and research on pollack in the south-west. We are also working with the EU, through our Specialised Committee on Fisheries, to improve the management

and support of the recovery of certain data-limited deep-sea stocks, namely roundnose grenadier and western red seabream.

Let me reflect on the UK's overarching approach in setting advice in line with scientific advice, and conclude with some reflections on our broader progress in using science to set total allowable catches. As I explained earlier, our starting position in setting a TAC is that the best available scientific advice should be followed. That helps to ensure that key fish stocks are protected and supports the long-term viability of the UK fishing industry. We strongly champion that approach in our international negotiations, and this year we have made significant progress on the UK-EU bilateral negotiations. Overall in the UK-EU bilateral, we have achieved an estimated 13% increase in catch levels aligning with ICES advice, compared with last year. That is a huge improvement in the sustainability of what we fish. I am pleased to report that positive progress, but I recognise that further improvements are needed. We will therefore continue to work proactively with our industry, our scientific colleagues in CEFAS and ICES, and colleagues in the devolved Administrations, the EU, Norway and coastal states, to ensure that positive momentum is continued.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Will the Minister explain why EU fishers can catch spurdog and UK fishers still cannot? Why is there a delay in the UK allowing UK fishers to do so? How is it that we are now slower in allowing our fishers to catch that stock than we were when we were in the EU?

Mark Spencer: In the UK, we have a respectful democratic process by which we have to bring forward a statutory instrument. That statutory instrument is drafted and we are ready to roll with it, but we are waiting for business managers to find us a slot. We want to do that as quickly as possible to allow people to get out there and start catching spurdog. We have a great democratic process in the United Kingdom that holds people to account and allows people to object if they have a different view.

Peter Aldous: Can I come back on spurdog? I am most grateful to the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) for raising the matter. Off the East Anglian coast, the inshore fishermen who fish sustainably with long lines and nets cannot catch spurdog at the moment, but EU trawlers can. Does the Minister share my vision that we should have a fisheries management plan that embraces the ICES recommendation on limited-catch fishery for spurdog and enables local East Anglian fishermen, fishing responsibly, to catch it?

Mark Spencer: Our motivation is very much to allow this total allowable catch to be used, and we want to get on with that as quickly as possible. It is a new stock with a new quota. We want it to be done sustainably, and we want to get on with it. We will hurry up the democratic process to ensure that people who want to catch that species are allowed to do so.

Luke Pollard: There is a concern among fishers that this is the Government's new modus operandi, and that UK fish policy will continue to be set a pace behind EU fish policy. Will the Minister set out an ambition to

ensure that this Brexit delay in allocating spurdog catch will apply only to this species, and only this once? From now on, will Ministers ensure that any change in quota is pegged as much as possible to changes in EU quota so that our fishers do not suffer a disadvantage due to our new status as an independent coastal state?

Mark Spencer: I am conscious that this is turning into a spurdog debate, rather than the original debate. It would be worth somebody applying for a debate of that nature. Let me be absolutely clear: we have not been able to catch that species in the past. It is a new species and it requires a democratic motion to be passed through the House of Commons, and as soon as we have done that, we can get on with it. That is the right approach. We want to make sure we fish sustainably, and that requires that democracy takes its course so that people can scrutinise our decisions. I am very much aware of the desire to get on with this and allow our fishing industry to get on and catch this species. We will expedite that process as soon as possible. I will conclude there, and I thank colleagues for their contributions.

Question put and agreed to.

11.29 am

Sitting suspended.

Arts Council England: Funding

[MR PETER BONE *in the Chair*]

2.30 pm

Sir Robert Neill (Bromley and Chislehurst) (Con): I beg to move,

That this House has considered the funding decisions of Arts Council England.

It is a pleasure to serve under your chairmanship, Mr Bone, and I am very grateful for the opportunity to return to this topic. It is also good to see the Minister in his place in Westminster Hall. As he will know, this topic has been ventilated before, but I think this debate broadens the issues.

As time has gone on, those of us who follow this issue have had more and more grounds for concern, not just about individual funding decisions by the Arts Council but about the process by which it makes them. That process lacks transparency and, I believe, accountability, and there is a lack of engagement with the sector at a time when funding reductions are being made. Those may be necessary in the overall economic climate, but they have been made in a distributional way that has taken no account of economic, social or other impacts—or, above all, of the overall responsibility of the Arts Council.

When the Arts Council was formed, it was set up “to give more people opportunities to enjoy and benefit from great art and culture”—

I think it still has that phrase on the banner on its social media. It did not regard itself as an organisation about changing the nature of art or culture; it was about making excellence available to the greatest number of people. That was the vision of Keynes when he set it up and of people such as Jennie Lee when she was Arts Minister. In fact, I think Jennie Lee rightly said that it was important that everyone, wherever they were and whatever their circumstances, should have the opportunity of accessing the best in the arts rather than something cut-price or dumbed down. I rather fear that of late the Arts Council has lost its way in relation to that mission. Some of the specific funding decisions in the latest round highlight how it has gone wrong.

The Minister and others will know that I have raised in particular the issue of the removal of English National Opera from the national portfolio. That would have had the effect of creating 600 redundancies, and—for all the mealy words used by the Arts Council to begin with—it would have effectively meant the closure of the company. The idea that it would have been possible to relocate a 100-year-old company to a base in Manchester—more on that in a moment—at about 12 months’ notice was so risible that one wonders what experience and real understanding of the sector the bureaucrats in the Arts Council who drew up that decision ever had.

I am glad to say that discussions, hard work by English National Opera’s team and engagement with the Arts Council has led to some movement. I welcome the fact that there has been a willingness to listen and that funding has been secured, albeit with a reduction—a reduction perhaps on much the same level as those for other arts institutions. That will enable the 2023-24 season to continue next year. I hope that there will be better transition funding for the future. However, that is

[Sir Robert Neill]

as yet uncertain. We have had a step forward, but at the moment English National Opera—a major international company that does co-productions with the Metropolitan Opera in New York and is a major draw for audiences—has had only a reprieve, rather than being saved in a form that is recognisably that of a high-class, top-rate opera company. That is not good enough.

Ms Karen Buck (Westminster North) (Lab): I am grateful to the hon. Member for giving way, and I congratulate him both on securing this debate and on his speech. I also welcome the concession made in respect of English National Opera. However, does he agree that the latest Arts Council declaration still leaves more than £50 million worth of cuts to London's arts budget over three years? That not only has a devastating cultural impact but, as he suggests, an economic impact; I am thinking of employment and the vital revenue that pours into London from tourists and others who seek to attend these marvellous cultural institutions.

Sir Robert Neill: That is certainly true; as a London MP, I am conscious of it too. Of course there is more than one issue at play. One is the distribution—where the money goes. Secondly, there is the question of which institutions and sectors are worst affected by what happens. It does seem that the performing arts have been particularly hard hit. When I look at the trustees of the Arts Council, there seems to be a lack of experience in the performing arts as opposed to the visual arts. We should perhaps return to the composition of the board and management and whether relevant experience of those sectors is there.

Sir Peter Bottomley (Worthing West) (Con) *rose*—

Sir Robert Neill: I give way to the Father of the House.

Sir Peter Bottomley: I am grateful to my hon. Friend. Whether one's experience is in the performing arts or the visual arts, everybody knows that it takes three to four years to put on a good opera of international standard or to put on an exhibition of paintings of international standard, with the co-operation of everybody involved. It seems peculiar that Ministers did not say to Arts Council England, "We understand that and, if you need to make changes, you need to make them over a six-year period, not a six-month period."

Sir Robert Neill: My right hon. Friend makes a fair and valid point. When this matter has been debated in the past, Ministers have argued that this is an arm's length body over which they have little control. With respect to the Minister, I am not sure that that entirely holds water. The Arts Council has said that a former Secretary of State, in its phrase, "instructed" it in relation to the distribution of some of the moneys.

That is a legitimate policy decision and stance for any Secretary of State to take, but it proves there is a power to instruct and intervene. That should not apply to the day-to-day running of an arm's length body, but Ministers have an ability and right to set strategic direction and to ensure that there is proper governance and oversight and, at the end of the day, basic equity in how its operations and funding decisions, involving large sums of public money, are taken.

Rehman Chishti (Gillingham and Rainham) (Con): I pay tribute to my hon. Friend for securing this debate. On the proper functioning of the Arts Council, there is a specific consultation at the moment on music provision across the country. A concern is that the timeline of the consultation was announced in December 2022, and the first real engagement with stakeholders begins and concludes in January 2023. Ministers and the Government have a duty to ensure that the consultation is proper and thorough. Centres such as mine, Dynamics CIC in Medway, that offer outstanding music provision will be severely affected if it is not done properly and thoroughly, in a way that respects outstanding provision, rather than pulling things together geographically for financial reasons.

Sir Robert Neill: I am grateful to my hon. Friend for making that point. It highlights the interesting fact that this is not just a London issue. There are institutions outside London that have lost funding for no apparent reason. That is the difficulty: the lack of any apparent evidence base or transparent and proper process for these decisions. There is a lack of any proper consultation or impact assessment.

I have seen freedom of information responses rather perfunctorily provided to individuals by the Arts Council, in a process that appears to be like drawing teeth. Mr Bone, you and I have had experience of such things from public bodies in the past. It appears that no full impact assessments were made on individual changes, even though some of them will close institutions. Equalities impact assessments were made, but not the full impact assessment expected when dealing with many millions of pounds of public money, and the possibility of an institution ceasing to operate, with redundancies caused thereafter.

Andy Slaughter (Hammersmith) (Lab): The hon. Gentleman is absolutely right, and I congratulate him on this debate. This is at best half thought-out, and at worst an act of Luddism. I suspect that what we have seen with the revised proposals for the ENO, which do not save it in the long term, is just an admission that the Arts Council has got this wrong. Let me give him this quote:

"Sacrificing this particular golden goose for a bit of glib London-bashing will do little to improve cultural provision in the regions and would be an act of sabotage for one of our country's greatest assets."

That was the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) almost 10 years ago, the last time this was done, and it has not changed.

Sir Robert Neill: I am sorry to say that is true. I do not object, in truth, to the idea that we should spend more arts funding across the rest of the country. I am not an opponent of levelling up as such, but I have always taken the view that that should not be at the expense of London. Decimating London is counter-productive, because much of the talent that performs in the rest of the country is London-based and London-trained, because that is where the critical mass of the arts world is. It is where the conservatoires and colleges are.

James Morris (Halesowen and Rowley Regis) (Con): One of the critical issues is defining what we mean by "levelling up the arts". In relation to opera, this is not just about physical location. As a west midlands MP,

I want more of my constituents to enjoy opera, but does that not mean that we need to define more clearly what levelling up opera might mean? That is what we lack in relation to the funding decisions: there is no overarching strategic view.

Sir Robert Neill: That neatly brings me to the next point, which is perhaps the most important. We have mentioned that the funding cut to the ENO would have been a woeful and destructive action. It still might happen: had Dr Harry Brünjes and Stuart Murphy, the chair and chief executive, all their team at the ENO and all the great artists—people such as Bryn Terfel and others, who started the petitions—rolled over to Arts Council England's decisions, there would be redundancy notices at the London Coliseum this week, and 600 professional people would have been out of a job thanks to Arts Council England's incompetence. That is no way to run an organisation, and Arts Council England should be ashamed of the way it went about it all.

It is significant that the former Secretary of State, my right hon. Friend the Member for Mid Bedfordshire (Ms Dorries), went public on social media, saying that the way Arts Council England has carried out her intended policy of levelling up arts funding was not as she intended, and has the effect of undermining it. That is the view of the former Secretary of State, who ought to know because it was her policy. The ineptitude of Arts Council England has undermined and discredited the Government's policy intention, which the Minister and I could probably quite happily sign up to in principle. That is another reason why the Minister ought not to simply say, "I can stand back from this," because the Government's own policy is being failed by an arm's length body. That is really important, which is why we need a proper strategy.

We need a proper strategy for opera. Opera is a major part of the British music scene. Some people think it is a bit of a foreign thing, rather like John Gay's "The Beggar's Opera" in the 18th century and Handel. It is not. It is fundamental.

Kevin Brennan (Cardiff West) (Lab): On the point about having a strategy and some sort of strategic thinking, one of Arts Council England's decisions was to cut funding to the touring side of the Welsh National Opera, which tours extensively in England, including to places such as Liverpool, Birmingham, Southampton, Oxford and so on. On the Digital, Culture, Media and Sport Committee, we found out that Arts Council England had not even talked to the Arts Council of Wales about that decision before making the cut, which obviously puts that opera company under threat. The net result, along with the Glyndebourne cut, is that there is no opera in Liverpool at all. What has that got to do with levelling up?

Sir Robert Neill: The hon. Gentleman's point encapsulates why I think the former Secretary of State was right to say what she said: the decision absolutely negates the Government's own policy. As the hon. Gentleman said, the result of the way Arts Council England has handled this issue is that there is now no opera in Liverpool, because the WNO cancelled its tour. Glyndebourne has cancelled its touring as well—that was touring in the regions of the UK. The WNO toured across the north-west, parts of the west of England, Bristol, Southampton

and so on. All those places will now have no opera—not thanks to the policy decisions, but thanks to the way they have been handled and implemented by Arts Council England.

Ministers should not allow the situation to stand, and the same applies to other elements of the arts sector. There is no strategy that informs the approach to prose theatre, to concerts or to museums and galleries. Nowhere is there a fully-fledged strategy, and we certainly ought to have one for opera. In that case, we are talking about £50 million of public money simply going to the opera companies. Think how much more is going to other sectors as well—but no strategy!

When one tries to find the audit trail for this decision, the board minutes that are published are perfunctory in the extreme. None of the board papers is published, and there are considerable redactions to what is published. That is not a level of accountability or transparency that would be accepted in any local authority in this country, and it should not be accepted in a public body such as Arts Council England. It is letting the public down, and it is letting the Government, as the overseeing body, down as well. That is why there is another cause for intervention.

Finally, because I know others want to speak, we need to look at the lack of an economic analysis.

Florence Eshalomi (Vauxhall) (Lab/Co-op): The hon. Member is making a vital point about the economic impact. These cuts will impact organisations not in receipt of Arts Council funding that rely on smaller grants. However, organisations that have now come out of the NPO portfolio will also be drawing on that funding, such as the Omnibus theatre in my constituency and the White Deer theatre in Kennington. Should the Government not recognise the importance that these smaller independent organisations, working with the big national organisations, bring to our local economies in terms of jobs, employment, training and getting our young people involved in the arts sector?

Sir Robert Neill: It is certainly right that the arts offer real economic opportunity for many young people, and some of those smaller organisations are the breeding ground from which people come. That is true of ENO itself. Many international stars started at the English National Opera, and that is also true of smaller organisations. That reinforces the point I was making: there is not a strategy for any of that. The Arts Council does not appear to have a strategy for anything.

It seems that the funding decisions in this round were to meet a financial envelope. Fine—let us have a proper discussion then with the Department about how we produce a strategy to meet that financial envelope. But none of that was done. That is why we need a much more strategic approach; this is a serious matter.

Looking at the overall potential economic risk, the 2020 report from the Centre for Economics and Business Research found that in a single year—2018; that is the latest we have—the arts and culture industry directly generated £28.3 billion in turnover, £13.5 billion in gross value added, 190,000 full-time equivalent jobs and £7.3 billion in employee compensation in wages and fees; in other words, into the economy. This is big business; for the UK, this is big business that we excel in and which draws in people to visit us. Also, it enables people throughout the UK to have their lives enriched.

[Sir Robert Neill]

What I do not want to see as part of a levelling-up strategy is a cut-down English National Opera or equivalent doing a reduced orchestration, reduced cast and no-proper-chorus version of one of the great operas, be it “Carmen”, “La Traviata” or “Tosca”, in a shed somewhere outside one of our major cities. That is short-changing the people in regional England. They are entitled to see a proper performance like those we get from WNO and the Glyndebourne tour and which ENO would happily do.

ENO has always made it clear that it is more than willing to do more work outside London. Funnily enough, it was planning to do a performance in Liverpool, of all places, before the covid panic, and none of that seems to have been taken into account by Arts Council England. It is short-changing people in the regional parts of England to suggest that they should get a second-rate version of that which is available in London. No wonder the former Secretary of State, my right hon. Friend the Member for Mid Bedfordshire, was so angry at the way her policy had been misinterpreted—all the more reason for Ministers to intervene.

Let us look at ENO as an example of the economic benefit that one company can bring. It produces £1.75 for every £1 of spend—it actually brings money into the economy with all the knock-on expenditure that comes from people going to the theatre, and that is true across most of the theatrical world. To put all that at risk without a proper strategic basis seems ridiculous. The loss of touring by Glyndebourne and WNO means that some 23,000 fewer people will have the chance to see high-quality opera in this country than before. That is a funny type of levelling up.

Sir Peter Bottomley: In addition to the performances, does my hon. Friend agree that it is a betrayal of all those who helped Vernon and Hazel Ellis restore the Coliseum from 2000 to 2004, having bought the freehold and made it into the largest and best theatre in London again? What did Arts Council England think would happen to that building, which has been funded by the National Lottery Heritage Fund, the National Lottery, English Heritage and the like?

Sir Robert Neill: It may demonstrate the lack of thought in the Arts Council England process. It apparently wanted English National Opera, although no longer based in London, to still run the Coliseum as a commercial venue—a taxpayer subsidised version competing against west end theatre. That does not seem either competent or terribly Conservative, for that matter; it certainly is not a good use of public money.

At the same time, Arts Council England wanted English National Opera to relocate to The Factory in Manchester, a venue that was not built to take unamplified singing—no one had bothered to check. Singing there has to be on a mike. Basic due diligence might have found that one out. The Factory, which, I am told, has been a pet project of some of the senior management of Arts Council England in the past, is a venue that does not have a set of users. It is £100 million over budget. I do not think that forcing a company that has been well established for 100 years or so in London to fill what has become an Arts Council England white elephant was necessarily a very good idea—particularly because Opera North, which performs in Manchester, was not even told.

If it had been, it could have said what the audience figures were and probably told Arts Council England that opera cannot be done in The Factory anyway. It is the lack of basic competence, strategic thought and good management that is terrifying in all this. That is why there is a compelling ground for intervention.

Rehman Chishti *rose*—

Sir Robert Neill: I will take one more intervention and then let others speak.

Rehman Chishti: My hon. Friend mentions the forced collaboration between one organisation and another. That is a quick fix. He talks about opera, but before we get to staging opera we need to ensure that our young people have the right music skills. The Arts Council at the moment is carrying out a consultation on the national plan for music education. It has said that all hubs will cover multiple local authority areas. It has subsequently said that this will be achieved

“via prescribing geographic delivery areas for Music Hubs”.

In Medway we have outstanding music provision in schools. Our neighbours in Kent do not have quite the same standards, but under those proposals one area will be forced in with the other. Surely forcing a merger of an outstanding provision area with another cannot be the right way forward—it will weaken the provision in small organisations such as those in Medway.

Sir Robert Neill: It sounds as if Arts Council England has fallen into bureaucratic speak. What would that mean to any normal person or sensible institution? It defeats me. There is a complete lack of understanding of what happens on the ground, and a complete lack of engagement with the institutions and their audiences—that is the great error in all this.

I do not have time to quote it all, but the playwright Dennis Kelly wrote a very powerful letter to me; it can be googled and found on social media. It was about the impacts on prose theatre—in particular, the Hampstead Theatre and others. There is a lack of appreciation of the impacts on audiences, and an unwillingness to engage with them. The fact is that people travel to many of those London venues from all around the home counties; it is not purely a London thing in any event.

Lest I be tempted to go on indefinitely, I should say that I have set out the case as to why the whole approach to this funding round has been seriously flawed. Egregious individual decisions have been made. Some of those have been rowed back on to some extent, and I welcome that—I am always happy if Arts Council England or others are prepared to listen and to look at evidence. But it needs to be much more comprehensive and to do it in a much more transparent and strategic fashion.

I will quote the former Secretary of State again. She said that when she arrived at DCMS, she was not a great fan of opera—I had a conversation with her about that—but she went. I urge all Ministers who come into the Department to go to opera, ballet, theatre, concerts and to look at some of the galleries and museums that they are responsible for. They should see that as an experience in itself. My right hon. Friend became a total convert; she said, in relation to ENO and the Royal Opera House:

“They have been the front runners in levelling up for a very long time. They leave many in other sectors of the performing arts in the shade in terms of how much they give back and how they try desperately via a number of measures to make opera accessible to all.” That is exactly what ENO has been doing.

Then there are the insulting comments of the director of music at Arts Council England, who said, “We don’t believe there is any growing audience for grand opera”—a rather bizarre term to use. Anyone who knows anything about opera will know that is a five-act French production by Meyerbeer from about 1860; we do not talk in terms of grand opera any more. I think what she meant was full-scale opera, with a proper orchestra and chorus. How anyone can say that when theatres have been locked down because of covid for many years defeats me. Freedom of information requests have not evidenced any robust statistical basis for that assumption, which is another reason to go back and have a proper strategy.

I hope all that tells the Minister that something has gone badly wrong in this funding round. We cannot just say that Arts Council England is an arm’s length body; we need to do something before serious and lasting harm is done to critical parts of our cultural and artistic heritage.

2.55 pm

Ms Harriet Harman (Camberwell and Peckham) (Lab): I congratulate the hon. Member for Bromley and Chislehurst (Sir Robert Neill) on securing this debate. I back absolutely every word he said, and I join him in urging Arts Council England to rethink this funding round, which has no strategy, has had no consultation, is thoroughly destructive, and importantly makes the crucial art form of opera more elitist, rather than less.

As a result of losing a third of its funding, Welsh National Opera has cancelled its 2023 tour to Liverpool. That is more elitist, not less. ENO’s core mission is to make opera accessible, bringing the art form to younger and more diverse audiences. The threat to ENO makes it harder to do that work. Because the Britten Sinfonia has lost its annual grant of £500,000, it will not be able to do its education and outreach work in the east of England. Because Glyndebourne has had its grant cut by 50%, it has announced that it will not be able to tour in 2023. When funding is reduced for opera, it is made more exclusive, not less. Public funding is the key way to open up opera to all. The funding cuts make opera more for the elites, not less.

One further consequence of Arts Council England’s decision, which I am sure is unintentional, is the effect on regional theatres, which I know my hon. Friends will mention. Peter Wilson, who ran the Norwich Theatre Royal, wrote a letter to Nicholas Serota and Darren Henley at Arts Council England, which said that there are

“people who stay loyal to their local theatres, providing the bedrock of serious support because of the regular appearance of challenging first class productions provided by Glyndebourne and WNO...Without them, NTR could not have flourished...And without their support theatres’ Friends lists, their ability to raise refurbishment and restoration funds, and their reputations will diminish. Theatres need high quality mixed programming; first class opera is a crucial part of the mix...Once started, a downward spiral in audiences is inevitable. You cannot possibly want that.”

What he is saying is that the decisions about these opera companies will make unviable and change vital regional theatres.

Peter Wilson continues:

“Glyndebourne, WNO and ENO have high cultural ambitions that deserve to be shared as widely as possible. To emasculate them—to destroy existing ‘skills, knowledge and networks’ so wantonly...will not just make those ambitions unavailable in the

near future; it will probably ensure that they will never again be part of the national cultural fabric of which I have been so proud for 50 years.”

Does the Minister know whether Arts Council England considered the effect on regional theatres of what they are doing to these opera companies? Did it even consult regional theatres, which are dealing with the consequences of all this?

This is a very well attended debate, with people from different regions and parties. None of us is whipped to be here. None of us has not got other things to do. All the Members sitting here are those who are committed to the arts. If I was Arts Council England looking at this, I would recognise that I had gone seriously wrong. If the Members who are the backbone of championing public policy on the arts are in Westminster Hall complaining about the Arts Council, it should recognise that it has got things wrong and think again. To say from behind its hands, “Well, we’ve been told by wicked Secretaries of State and DCMS that we have to do this”, is something that I do not accept for one moment. The Arts Council is an independent body, for goodness’ sake—the key is in the name, “independent”—and if people take on responsibility for an independent body, they have a duty to that body to act independently. If they are told what to do by somebody whose business it is not, they should tell them to shove off, or threaten to resign. That is the way it is supposed to be.

The Arts Council has to recognise the scale of the problem. However, we are a forgiving group of people, because we love the arts, and therefore if the Arts Council sees sense, we will not complain about it; we will congratulate it. Really, it should read the writing on the wall. As Peter Wilson writes to Nick Serota and Darren Henley,

“I’ve bumped into you both over 25 years...It’s plain that your lives and careers have been dedicated to making the best art available as widely as possible throughout the UK.”

I say to both of them, “Keep faith with that. Change your mind. We all believe in redemption; it is not too late.”

Several hon. Members rose—

Mr Peter Bone (in the Chair): Order. Seven Members want to speak. I have to start the wind-ups in 37 minutes’ time—very roughly, that is about five minutes each. I will not impose a time limit, but I trust people will bear that in mind.

3.1 pm

Dame Caroline Dinenage (Gosport) (Con): It is a great pleasure to serve under your stewardship, Mr Bone, and I congratulate my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) on securing this important debate. I will start by talking about the very difficult period during which I was culture Minister in the Department for Digital, Culture, Media and Sport. It was throughout the whole covid period, and I did not get out much; I did not get to go to many operas, ballets or performances, but I did get to work very closely with the Arts Council.

I have to start by paying tribute to the Arts Council and to the leadership of Darren Henley and Nick Serota, who worked incredibly hard with the brilliant team at

[*Dame Caroline Dinenage*]

DCMS, led by Emma Squire, throughout the covid period. They were responsible for allocating a significant share of the £2 billion culture recovery fund. The recovery fund board was appointed swiftly, and ensured that vast sums of money were allocated very fairly and effectively at enormous pace and scale, which meant the difference between survival and closure for some of our most vital cultural institutions. Thanks to their remarkable diligence and deep understanding of the arts and culture ecosystem across the country, we avoided many of the issues that some other parts of Government faced when they were trying to dish out vast sums of cash.

As the responsible Minister, I can tell Members that once the money starts rolling out, we really do gird our loins about the potential negative media stories that might come down the track, but they did not come. There were some great attempts from some quarters of the media to excite people about some of our funding decisions—the wonderful drag queen Le Gateau Chocolat was exceptionally grateful for her slice of the cake—but on the whole, there was very little error in a massive piece of work that was done at pace and scale. The work of the Arts Council was a bright light during an otherwise very dark period, and I have lost count of the number of institutions up and down the country that have told me they felt they were saved by the culture recovery fund.

I do not envy the Arts Council its job. Trying to allocate limited funds is always a challenge, now more than ever, in desperate economic times and against the backdrop of a Government who are passionate about the potential of arts and culture to drive economic prosperity and levelling up to all corners of the country. Over the next few years, Arts Council England will invest £446 million per year in 990 organisations—the largest national portfolio ever, reaching more organisations than ever before. It was the most over-subscribed round ever, with 1,723 applications; if all of those applications had been successful, the investment would have been over £2 billion.

Among the 990 successful applications were 276 new organisations. One of those is the Hampshire Cultural Trust, which will now receive £500,000 a year. It is the first time that it has been a national portfolio organisation, and I see what a tangible impact it has on my Gosport constituency, which is an area with deep pockets of deprivation and has been long underfunded by successive Governments.

Our heritage is one of our secret weapons, but, up until now, we have not been able to harness its potential to drive investment, build communities, create opportunities and promote excellence. The newly reopened museum and gallery has been reimagined as a cultural hub, breathing new life into our high streets. The money will allow them to animate already outstanding heritage spaces and organise community-based festivals and events. It is making a difference on the ground and it will continue to do so.

The UK's cultural sector is among the best in the world: I would say that it is the best. It represents 12% of our service exports, and its potential for our soft power is so often undervalued and underestimated. We have a huge responsibility. The Arts Council has a huge responsibility to ensure that we continue to nurture and grow it.

Culture has the power to drive forward regional economies, build communities and improve health and wellbeing. Arts Council funding has historically been focused on London and we need to ensure that culture is thriving in every pocket of England, but we will not level up the rest of the country by levelling down London. We need to harness the potential of the great cultural powerhouses of London. We must spread their tentacles and sprinkle a bit of their magic across the country in the same way as some of our museums and galleries have driven footfall.

Recently, Dippy the dinosaur went on a tour. It went to the Tank Museum in Bovington. It popped up in the nave of Norwich Cathedral, reaching a whole new audience and inspiring a new generation. The ENO has done exactly the same thing with ENO Breathe, which is its wonderful, game-changing response to covid. It is operating in 85 trusts across the country, including my own. There were some bizarre and ill-judged decisions in this funding round and I think we can all agree that the decision to both relocate the ENO and cut its funding was an ill-judged one. I am pleased that there has now been some movement on that, but there is more to do to secure its future.

Andy Slaughter: I entirely agree with what the hon. Lady has said about the ENO, but it is a one-year reprieve. After that, what it pointedly said is that it wants to “continue to make incredible opera available for everyone, in English, with hugely subsidised tickets, completely free for Under 21s and with 10% of all seats available for £10”.

It is working in schools and hospitals as well. That will be gone in a year's time and, over the next three years, it will lose over 400,000 people seeing opera in that way. Surely that cannot be right.

Dame Caroline Dinenage: That is absolutely the point. The ENO not only plays a huge role in the cultural status of London around the world, but the work that it has done to attract a whole new audience and to make opera accessible to all is nothing short of remarkable. I was lucky enough to attend what they call a “relaxed performance” of “It's a Wonderful Life” just before Christmas. The place was packed with children, people with disabilities and neurodiverse people. It was just incredible to see opera being accessible to so many and building the audiences of the future.

I agree with the idea of devolving money outside of the capital, but we cannot do it by destroying some of the great cultural institutions that do so much and put us on the map. We must avoid these token gestures. We must also be aware of the regional ecosystems that are already well developed outside London before we start transplanting existing organisations out of London.

The Arts Council was born out of world war two. Here we are again, with the global aftermath of covid and a war, once again, on the edge of Europe. The Arts Council has, once again, a unique opportunity to support the innovation, creativity and resilience that make our cultural industries our British superpower. I hope that we can all work together with them to enable them to harness that opportunity.

3.9 pm

Rachel Hopkins (Luton South) (Lab): It is a pleasure to speak under your chairship, Mr Bone. I congratulate the hon. Member for Bromley and Chislehurst (Sir Robert Neill) on securing this important debate. I absolutely

echo his comments about access for all to the best of the arts. I am a passionate champion of arts in Luton and across the country. Participation in cultural activity develops social capital, and enables local people to lead happy, healthy and prosperous lives.

Financial security has rarely been more important for our arts and cultural organisations, having weathered the challenges of the covid pandemic and a decade of funding cuts to the arts. Cultural industries in the UK are a success story: in 2021, the gross value added by the creative industries was £104 billion.

The role of the Arts Council is very important and its funding decisions are critical to encouraging creativity across the country and in all our communities. In Luton, we have a rich and thriving arts and culture sector. It enriches our town's cultural diversity, encourages investment and supports social mobility and inclusion. Arts culture and creativity are central to the Luton 2020-2040 vision for a place where everyone can thrive across all our communities, and the Arts Council plays a critical role in that.

Last year, brilliant Luton organisations, Wardown House Museum and Gallery, Luton Carnival Arts Development Trust, Tangled Feet theatre and Music24 community music group, each received funding as national portfolio organisations. Revolution Arts is an excellent example of the impact of the Arts Council creative people and places funding in Luton. It is a people-powered project that cultivates grassroots creativity in Luton and puts on high-quality creative events, particularly focused on increasing the participation of diverse communities.

We do not have a large professional theatre or venue in Luton to attract symphony orchestras, large scale theatrical work or indeed opera, but we have an excellent music service team and a music hub, and brilliant schools that want their children to experience the best cultural, artistic and musical activities available. That is the reason I was disturbed by the original Arts Council decision.

Arts Council funding of English National Opera helped to bring opportunities to our young people and led to a strong partnership between ENO and Luton music hub. The partnership created excellent opportunities for Luton's young people. English National Opera brought its opera squad to Lea Manor High School, albeit in in Luton North, and there have been trips from Luton to the London Coliseum, both back-stage and to the opera. The partnership had expanded post-pandemic with the Finish This... programme in which more than 500 Luton children from key stage 2 became English National Opera composers for a term, and created their own musical colour worlds in response to ENO's specially commissioned piece, "Blue, Red, Yellow...", by Omar Shahryar.

The list of excellent work goes on and on, but the fact is that the music hub's partnership with English National Opera brought opportunities to young people in Luton that simply would not have been achieved otherwise. It is proof that the impact of English National Opera is beyond the borders of London. It is showing diverse, working class, young people in Luton that opera singers look like them and the sky is the limit on their aspiration, but the Arts Council's decision cuts off that aspiration.

I welcome the announcement yesterday that Arts Council England agreed that it will invest £11 million in ENO in 2023-24, but because opera plans significantly

further ahead, a 12-month commitment is very short term. Last November, the Arts Council said it would ringfence £17 million for three years of transitional funding. If we take the funding for year one, can we assume that leaves about £2.7 million a year for the following two years, compared to the Arts Council's previous annual funding of £12.8 million?

A funding cut of that size is shocking because English National Opera has exceeded many of the success criteria set by the Arts Council in terms of young audience growth, increased diversity and representation, the ability to reshape opera and maintenance of financial stability. The cut is accompanied by the recommendation that the organisation relocates from London to Manchester by 2026. I agree with others that does not make strategic sense, given that Opera North already has a presence in Manchester. The Arts Council needs to provide an opera strategy so we can see its intent. Further discussions with the Arts Council and English National Opera must lead to a fair funding settlement and ensure that ENO can continue to deliver the very best that it has to offer.

3.14 pm

Damian Collins (Folkestone and Hythe) (Con): I congratulate my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) on securing this important debate. He was right to remind us that when the Arts Council was established, its principal role was to promote art for art's sake and to promote excellence, and through doing so to give people the opportunity to experience excellence in the whole range of arts, from figurative and decorative to performing arts, and provide people with the opportunity to develop their talents. That should be something that is accessible to the whole country, and that is why the Arts Council was created. It is also perfectly legitimate that the Arts Council, which is in receipt of a large amount of public money, should be challenged and scrutinised over how it allocates those funds and the strategies that it deploys.

Scott Benton (Blackpool South) (Con): My hon. Friend may be aware that two leading arts commentators have published a pamphlet calling for the Arts Council to be abolished. Their reason was that it has been taken over by "highly-politicised staff" whose left-wing "woke agenda" is generally failing to support the arts. That came on the back of a case last year in which £3 million of taxpayers' money was provided to a company that published posters stating that "straight white men" should "pass the power". Does my hon. Friend agree that decisions such as this will raise legitimate questions among the general public about the level of oversight of some of these Arts Council decisions?

Damian Collins: My hon. Friend makes an important point. There should be a clear strategy for allocated funds. It is right that the Arts Council is an arm's length body and free to make decisions based on artistic merit that some people will agree with and others will not.

However, there is a clear strategy for how that benefits the whole nation, not parts of it. London receives a large amount of money because we have larger national institutions here. They demonstrate the benefit that they bring to the whole country, be that through touring exhibitions and performances or through the other cultural institutions around the country operated by the Tate, the V&A and so on.

[*Damian Collins*]

It is important that there is a clear strategy and the Arts Council is held to account for it, because anyone who is in receipt of public money should be held to account. It is right that the funding strategy works for the national portfolio organisations on a three-year settlement, because organisations need to be able to plan for the future. While we welcome the additional year's money that has been granted to the ENO for the coming year—it means, as my hon. Friend the Member for Bromley and Chislehurst has said, that the 2023-24 season can go ahead—it gives no certainty beyond that and does not enable the ENO to make any further investment decisions. Even if the Arts Council had said, “We want the ENO to try to increase revenue from other sources,” that is not a compelling bid to take forward when the public money that the ENO relies on is no longer guaranteed. Who would match fund against public money that might not be there in just over a year's time?

There needs to be a degree of certainty. There will always be more demands on the Arts Council than it can fulfil, and there will always be people it has to let down, but that is why having a clear strategy, plan and understanding with the organisations that it funds is so important. It cannot be right to take a major national institution such as the ENO that has been funded in a certain way for many years and pull the rug out from under it with very little notice; I understand that the ENO had 24 hours' notice of the decision.

It would be perfectly legitimate for the Arts Council to say, “We must review the way opera is funded, and we want a strategy for that. We might want to look at how other revenue can support the opera, but we are going to do that during a transition period. What we are not going to do is create a cliff edge whereby the required funding is not there.” As hon. Members have said, not only has the decision had a direct impact on the ENO as an organisation, but the cuts have had a knock-on impact on arts and opera in the regions, which the Arts Council is there to support. That is the best evidence of the lack of a clear strategy. The Father of the House, my hon. Friend the Member for Worthing West (Sir Peter Bottomley), raised that in his intervention.

The Coliseum is subsidised by the ENO to the tune of about £2 million a year. If the ENO cannot support the Coliseum as a building, who else will go into it? Who will pay those costs? Will we be left in the invidious position of using public money that should go into supporting performance arts to subsidise a building that nobody can use? That, again, demonstrates the lack of clear strategy. My constituency has organisations that benefit from national portfolio funding, not least Creative Folkestone. Less than 20% of its funding comes from the Arts Council; it has a diverse form of income, and that is right, but the extra money that it gets from the Arts Council enables it to do more, to do better things and plan for the future.

At the end of this sorry saga, we need to get to a position where the ENO can plan for the future and invest in the future. If that is against a strategy to do more in the regions and more to reach diverse audiences, it needs a fair funding settlement to enable it to develop that strategy. We must recognise, too, that with major cultural institutions such as the ENO, what we see on

the stage is, in some ways, the icing on the cake. There is a long tail of people who rely on that institution being there—the people who will develop their talents and may go on to work in other companies, the regional companies and tours that will be supported by that, and the people who are involved in costume design and set design—and a great variety of projects that are there to support people. My hon. Friend the Member for Gosport (Dame Caroline Dinenage) mentioned the fantastic Breathe project that the ENO ran. All those things are lost if the ENO has no secure future. While yesterday's announcement is welcome, there has to be a longer-term plan, otherwise we will simply be back in this position in a few months' time.

3.20 pm

Kevin Brennan (Cardiff West) (Lab): I echo many of the comments that have been made. I thank the right hon. Member for Bromley and Chislehurst (Sir Robert Neill)—

Sir Robert Neill: Just honourable.

Kevin Brennan: I thank the noble Gentleman, or whatever he is, for securing the debate. I also thank the former arts Minister, the hon. Member for Gosport (Dame Caroline Dinenage). She appeared many times before the Digital, Culture, Media and Sport Committee, and she was a very refreshing Minister to have in front of us. I thank her for the candid and supportive way in which she carried out her duties as a Minister and for the work she did during covid to keep many cultural institutions going. I also thank my hon. Friends, including my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), who has campaigned assiduously on this issue.

I mentioned the Welsh National Opera earlier, because when this debate about Arts Council England started, it focused—understandably, perhaps—on the decisions around the English National Opera, but in some ways, what was done around the Welsh National Opera was even more invidious, or at least as invidious, because it signalled that this was not a rational, strategic decision-making process by Arts Council England. Like the hon. Member for Gosport, I would normally express support and admiration for the way that Arts Council England goes about things. However, rather than being a strategic, well-thought-through plan for the arts, it resembled more an emotional spasm of some sort, as a result of wanting to do something very quickly to meet the perceived needs of the Secretary of State at the time, the right hon. Member for Mid Bedfordshire (Ms Dorries). We are now told by the former Secretary of State, Ministers and Government Members that that was not what the Secretary of State wanted all along, which makes the whole affair all the more strange.

One thing that is perhaps good about this whole incident is that it gives us an opportunity to highlight the fact that the Welsh National Opera is an opera company for Wales and England, despite its name. It is value for money because we have a proper national opera company with an international reputation that can serve both England and Wales, including, when it goes on tour, the parts of England that are not often well served by other cultural institutions. That is an integrated system for opera across England and Wales.

Arts Council England decided to cut a third of the funding that it provides to the Welsh National Opera for its touring work in England. That includes many different parts of England, such as Liverpool; the west midlands, which is the part of Arts Council England that looks after the Welsh National Opera in terms of its administration; the west of England, in places such as Bristol; and Southampton, Oxford and elsewhere. It is right that these touring opera companies form an essential part of our regional theatres right across the country.

When Arts Council England appeared before the Digital, Culture, Media and Sport Committee, I was interested to know what its decision-making process was, so I asked Darren Henley whether he had consulted the Arts Council of Wales prior to the decision being taken to cut the funding to the Welsh National Opera. He waffled for a bit, and I had to interrupt him to get him to answer the question, at which point he said:

“They were aware just before the announcement was made, but we didn’t consult them in the announcement”.

I put it to him and to Members here today that it is a dereliction of duty for a decision that has profound implications—as we know, it has resulted in Liverpool being denied any opera whatsoever—to be taken in that haphazard way.

There are no SNP Members here, so I think we are all Unionists in this room. The hon. Member for Blackpool South (Scott Benton) was born in Newport, and he understands the importance of the Union. Arts Council England did not consult the Arts Council of Wales on a decision that has a profound implication for the future of that opera company and the whole system of opera around the country, and that undermines the whole so-called levelling-up agenda that we were told this decision making was about.

I profoundly believe that creativity is a good thing in and of itself. I profoundly believe that this country’s greatest strength, or certainly one of its greatest, is its creative industries, and that we are one of the few countries in the world that is a net exporter. Our creative industries are a huge earner for our country and culturally enrich us all. Quite frankly, as a white, heterosexual male from a working-class background, I am sick of people speaking on my behalf, and talking about wokeism and all the rest of it. The arts and culture are profoundly important to enriching our lives, and we should all stand up for them, whatever our backgrounds.

Let us hope that this was just an emotional spasm. I say to Arts Council England: please, get your act together and start thinking about these things. The arm’s length principle is important, but it does not mean being so arm’s length as to not even consult the Arts Council of Wales. That is not what the arm’s length principle is about, so Arts Council England should get its act back together, and let us return to some sense around this issue.

Mr Peter Bone (in the Chair): Before I call Jonathan Gullis, let me say that although this is such an important debate, I cannot extend the time, so we are now on something more like four minutes for each Back Bencher.

3.26 pm

Jonathan Gullis (Stoke-on-Trent North) (Con): It is a pleasure to serve under your chairmanship, Mr Bone.

I congratulate my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) on securing this important debate. Culture is so important. I was delighted to spend time before the Christmas break at Springhead Primary School in Talke Pits, which worked closely with the Royal Shakespeare Company and the New Vic Theatre to stage a First Encounters production of Shakespeare’s “Twelfth Night”. Seeing kids as young as reception sat engrossed throughout that play, having learned about it in advance, was very special indeed. Mr Anderson, the headteacher, is doing a fine job.

My mother always told me that I should learn to read the room, but perhaps I am about to go against that—although I am sure that will not shock many Members here. I want to congratulate Arts Council England on its investment in the great city of Stoke-on-Trent. This £6.8 million investment, from 2023 to 2026, has taken us from having one national portfolio organisation—the New Vic, which is actually in neighbouring Newcastle-under-Lyme—to now having eight such organisations. They include the fantastic Portland Inn Project, based in Stoke-on-Trent North, which will have a profoundly positive impact.

Because of that investment, Stoke-on-Trent City Council, under its leader Councillor Abi Brown and Councillor Lorraine Beardmore, the relevant cabinet member, has been working tirelessly to look at how we can improve that partnership working further. Arts Council England has made Stoke-on-Trent a priority place and become a key member of the Stoke-on-Trent creative city partnership, which shows how the relationship continues to evolve. Indeed, it seems to have got the message that levelling up means making sure that places such as Stoke-on-Trent can celebrate their culture, history and heritage. We note that the levelling-up White Paper contained a Government promise that Stoke-on-Trent and Manchester would receive a special focus, to make the most of our cities’ industrial heritage.

The city has responded to that with a clear vision and strategy to establish an international ceramics centre, which will tie together world-class collections, celebrate the growth of contemporary craft ceramics and expand on our fantastic advanced ceramics sector. At the heart of that vision is a plan for our main museum, the Potteries Museum and Art Gallery, based in Hanley, working with Staffordshire and Keele Universities, as well as Stoke Creates, to secure a £5 million investment from the Arts Council’s cultural development fund to create new spaces through a new research centre and to redesign the layout of the fantastic ceramics that we have to display. That work will build on the city council’s £4.7 million Spitfire Gallery development, which houses the city’s Mk XVI Spitfire. Obviously, the Spitfire was designed in Butt Lane—where I am proud to live as a resident—by Reginald J. Mitchell, a great local hero, without whose efforts we would not have won the battle of Britain. The plan also builds on the £1.5 million relocation of the archive service from Hanley library.

We know that the decision is due in March. I am sure that Arts Council England is listening, and I am sure that the Minister will want to see Stoke-on-Trent get some more, because he has learned that once we get a taste of funding, we always want more. I look forward to more coming our way in Stoke-on-Trent. The clear notice from me is that a promise has been made and must now be delivered. We need major investment to continue

[Jonathan Gullis]

to deliver new jobs and more high-skilled opportunities for people who want to study, understand and come to visit our great city, and to enable Stokies to be at the cultural heart of our great country.

3.29 pm

Laura Farris (Newbury) (Con): I congratulate my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) on securing this debate. I recognise all the things that he referred to in his opening remarks—a lack of transparency, accountability and engagement with the sector—in a decision that was reached on a treasured regional theatre in my constituency, the Watermill Theatre. It was truly a bolt from the blue for it to learn that there has been a 100% cut in its funding for the next three years.

One thing that has been frustrating in the process since then is the fact that the Arts Council did not really substantiate its decision with reasons, and it was so reluctant to produce written reasons when we invited it to do so. I had to remind the council that it is a public body and susceptible to judicial review. When the decision came, it was impossible to discern why the Watermill did not meet the relevant criteria. It had met them all in every previous round of funding and was not alerted to the fact that any criteria had changed. The Arts Council was unable to explain why, if it was a regional decision based on levelling up, the other theatre in Newbury, which we also love, was successful when the Watermill was not. Eliciting the final decision was like getting blood out of a stone, and when it came it simply set out generalities, such as the assertion that the Watermill lacked ambition.

The Watermill is an 18th-century watermill that has been converted into a theatre. I cannot improve on the description written in *The Mail on Sunday*, which said:

“What a location! Forget the glitz of the West End: try walking up a country lane, past waddling ducks, to this lovely little theatre in a converted mill.”

Its aesthetic beauty as a venue is absolutely treasured by our community, but we also treasure the quality and diversity of its productions. It is not just a standard repertory theatre that takes shows on tour: it produces its own work and pumps it around the country. Its most recent touring production of “Spike” went from the Watermill to Blackpool, Glasgow, Cardiff and Darlington. It is also an artery theatre through which West End productions come and other productions flow on to international destinations, including Broadway.

The theatre takes its commitment to diversity and improving access seriously. It is in the heart of a tiny village, so in 2022 it did a rural tour. “Camp Albion” took its productions to villages, which are often completely neglected in the consumption of the arts. Overall, the theatre reaches 20,000 people annually through its various community engagement programmes, including children with autism, deafness and many other special needs. It has a deep commitment to the Arts Council’s outcomes, which the council even acknowledged in its decision letter.

We have been confronted with a deeply disappointing decision. We have found it incredibly difficult to know what mandate the Arts Council was working to, or why.

I find it difficult to avoid the conclusion that this was capricious decision making, which undermines the status of the Arts Council as a guarantor of our national arts output. If the council is watching, I respectfully request that it reverse its decision because it has devastating consequences for the future of the Watermill Theatre in Newbury.

Mr Peter Bone (in the Chair): I will call the Father of the House next; I am grateful to him for being willing to wait until the end.

3.33 pm

Sir Peter Bottomley (Worthing West) (Con): That is because I am going to go back in time and it might bore other people, Mr Bone. The first chairman of the Arts Council I met was Sir Ernest Pooley, who succeeded John Maynard Keynes two years after I was born. Given that Arts Council England is for the encouragement of music and the arts, Pooley and Keynes would have been delighted at the competence with which it took our cultural institutions through the pandemic. The three rounds of emergency funding were executed in a way that nobody criticised. It was quite remarkable, and very effective.

The most recent Arts Council England report available on its website is from 2020–21. The chairman, Sir Nicholas Serota, talks about the three outcomes and the four investment principles, none of which give any indication that the council might have conceived cutting off the ENO and the Coliseum at the knees. Tributes to those who have cared for, led and participated in the ENO and the Coliseum should be put on record. I will say again that Hazel and Vernon Ellis, together with the major public funders and private individuals and trusts, deserve to be recognised. One of those funders was the National Lottery through Arts Council England. I do not know whether those taking the decision that was announced recently were aware of the Arts Council England funding for the Coliseum and its restoration, so that Sir Oswald Stoll’s Frank Matcham theatre could be restored on the anniversary of its first opening.

I think mistakes were made. I do not know how much of it was to do with the Government, how much of it was to do with Arts Council England, and how much of it was to do with time pressures. The fact is that what was done clearly would not work and was not right, and it seems to me that the principle, both for Arts Council England and for the Government, is to say, “Is it necessary, is it right and will it work?” I will leave it to the Minister to explain not what has gone wrong but how he will put things right. I suggest that, afterwards, he writes to the Department for Levelling Up, Housing and Communities, saying that the Worthing Borough Council bid for the connected cultural mile from the railway station to the lido, going past the museum, should be approved.

3.35 pm

Barbara Keeley (Worsley and Eccles South) (Lab): I declare that I am chair of the all-party parliamentary group on classical music. It is a pleasure to speak with you in the Chair, Mr Bone. I thank the hon. Member for Bromley and Chislehurst (Sir Robert Neill) for securing the debate and for the way he opened it, and all right hon. and hon. Members who have contributed to it.

I start by congratulating colleagues across both Houses and the wider arts sector on achieving the apparent 12-month reprieve announced yesterday for the funding of the English National Opera. It does not settle all the questions raised about the damage done by the decision, but I am pleased that there can at least be a longer-term conversation about the ENO's future, which is right. The ENO has worked hard to increase access to opera, bringing it to younger and more diverse audiences. It has delivered innovative education and health projects throughout the country, and it is right that this is finally being recognised. However, the back and forth of the decision has caused acute anxiety among the ENO's 300 full-time employees and the 600 freelancers whose job security was put at risk. The screeching U-turn is further indication of the total lack of strategic planning involved in the national portfolio organisation funding decisions that we have been debating.

First, I want to reflect on the arm's length principle of arts funding, which we have heard about in the debate. At the core of the recent dispute about arts funding is the issue of who makes decisions about arts funding and what the criteria for those decisions are. When the answers to those questions are unclear, there will always be discontent and frustration about how the investment of taxpayers' money is being made.

Andy Slaughter: My hon. Friend makes a very good point: there is a lack of transparency. I am very lucky that the two main theatres in my constituency, the Bush and the Lyric, have maintained their grants—in one case, it has slightly increased—but every organisation was on tenterhooks waiting for the announcements, and they will be next time as well, because they have no idea on what basis Arts Council England makes a decision. Other theatres in London, such as the Donmar Warehouse, have lost 100% of their funding. What is the rationale behind this?

Barbara Keeley: Indeed. It is important to focus on that principle. The arm's length principle has been in operation since public subsidy for the arts began in the aftermath of the second world war. At the inception of the original Arts Council, Keynes wrote that:

"It should be a permanent body, independent in constitution...but financed by the Treasury".

However, as we have heard, the former Culture Secretary, the right hon. Member for Mid Bedfordshire (Ms Dorries), issued a clear instruction to Arts Council England last year and ordered it to move money outside the capital through a reduction in the London budget. Even the places at which the additional investment would be targeted were decided with input from DCMS, with removals and changes to the "Let's Create" priority places, which had been originally identified in Arts Council England's 2020 strategy.

As we heard earlier, the former Culture Secretary has now criticised the decisions made by Arts Council England for their "undue political bias", and accused the leadership of pulling a "stunt" to try to reverse levelling up. We have heard a variety of ways of describing the very strange decision making, but we have to see that it was this directive that led Arts Council England to the decision to make cuts to the English National Opera, the Welsh National Opera, Glyndebourne's touring and other organisations, such as the Britten Sinfonia, the Oldham Coliseum and the Donmar Warehouse. The comments made show that Ministers and Arts Council England

had not thought through the implications of the directive, both on art forms such as opera and on the other arts organisations I mentioned.

Sir Oliver Heald (North East Hertfordshire) (Con): Will the hon. Lady give way, just for one second, so that I can put on the record my views about the English National Opera?

Barbara Keeley: No; I will run out of time.

Through the directive, Ministers and Arts Council England reallocated a shrinking budget for London. I recommend to the Minister an excellent blog post from Border Crossings that can be found on Twitter and makes the point that we cannot level up at the same time as cutting. That is the problem: the aims have become confused. It is this inconsistency and short-sightedness that is so frustrating for so many arts organisations.

The second major issue with the NPO decisions—we have heard much about this in the debate—is the glaring lack of any art form-specific strategy, planning or consultation. Opera is the major victim of this approach. Before the reprieve—the reversal of the ENO decision—overall funding for the sector was down by 11 %. It is reckless and irresponsible to remove £19 million of funding with no strategy in place. The decisions should be based on evidence and audience data, not on a whim.

Under such acute constraints, it is the expense of touring that is often the first activity to be sacrificed, as we are seeing already. As we have heard, Glyndebourne has had the subsidy for its touring budget halved, so has been forced to scrap its entire autumn tour, which would have held performances in Liverpool, Canterbury, Norwich and Milton Keynes. As my hon. Friend the Member for Cardiff West (Kevin Brennan) rightly said, Welsh National Opera has responded to a 35% cut by removing Liverpool from its touring plans. As we have heard, it is estimated that the cuts to those two companies alone will deprive 23,000 people from access to opera throughout the country. In addition to that gap, the consequences for the arts ecosystem will be severe, given that there are already pressures on the workforce and on skills retention.

Jennifer Johnston is a mezzo-soprano who was born in Liverpool. She told me about the impact that the Arts Council funding allocations will have on young students at the Liverpool Philharmonic Youth Choir. These young people in Liverpool come from backgrounds where there is no money for singing lessons, with their fees for the choir paid by bursaries. She said:

"Now that live staged opera isn't going to come to the city, these young singers won't have a chance to see any at all. They don't have funds to travel, and the educational workshops carried out by both Welsh National Opera and Glyndebourne now won't happen."

It's a simple equation—inspire a young person by showing them excellence in an artform and demonstrate what they could achieve if given the chance, defeating assumptions of elitism and thoughts of 'Opera's for posh people, not for me'.

These young people now won't have the chance to be exposed to, and be inspired by, live staged opera, and are unlikely to want to train as an opera singer in the future. Arts Council England funding cuts will therefore affect life choices, making a nonsense of the idea of 'levelling up'."

I am interested to hear the Minister's response to those comments. How does his Department intend to ensure that there is support for the next generation of England's opera singers when there is no coherence to the decisions being made about the sector?

[Barbara Keeley]

There are other arts organisations that have had their income slashed in this funding round, with little apparent sense in the decisions. We have heard that Britten Sinfonia was entirely cut from the NPO programme, despite being the only orchestra based in the east of England. Many other regional orchestras were funded only at standstill. Meanwhile, the funding settlement for producing theatres is short-sighted and risks having a negative impact on the programming of regional theatres—as we have heard in the debate—as well as compromising the UK’s cultural reputation in the longer term. Sam Mendes, the former chief executive of the Donmar Warehouse, has been predicted that it will “wreak long-lasting havoc” on the industry.

Speaking of the Donmar Warehouse, it received a 100% cut in its Arts Council funding. Its representatives told me that the hit to their budget means they will no longer be able to create work outside London and will have to reduce or cease altogether their excellent CATALYST programme, which supports 13 people a year with paid training to develop the next generation of writers, artists and administrators. Given the flexibility in exit funding that has suddenly been found by Arts Council England for ENO, will the Minister say whether Minister similar flexibility can be found for the Donmar Warehouse? It is really important that Arts Council England is transparent and equitable in its funding processes, as the hon. Member for Bromley and Chislehurst said earlier.

The combination of a top-down approach from DCMS and poor planning have given the impression that the Government’s goal is more about political gimmickry around levelling up than a true rebalancing of power to the regions. It is a fact that 70% of the organisations that are being entirely cut from the programme are based outside London, including the Oldham Coliseum, the Britten Sinfonia and, as highlighted so effectively by the hon. Member for Newbury (Laura Farris), the Watermill Theatre. In addition, the lack of consultation, which has been most clearly evidenced by all the reaction to the decision about ENO, speaks of insincerity in making the changes. That risks the very existence of our essential cultural organisations and makes it more difficult to achieve regional parity in arts provision.

Before I move on, I want to make the point that it has rarely been more important to get these decisions right, because having weathered the challenges of the covid pandemic—the Father of the House said that situation was well handled by Arts Council England—and a decade of funding cuts to the arts, organisations now face a perfect storm of other challenges, including increased energy and operating costs and a cost of living squeeze on their audiences.

The U-turn on ENO is an admission that the choices announced in November were not well considered. This situation could have been avoided if there had been proper consultation with the sector, as many contributors to this debate have said. I hope that DCMS will now undertake an internal assessment of the process behind the NPO funding round for 2023 to 2026, so that this chaotic approach is never repeated. It is vital that we now have a transparent and equitable process.

There are still some important decisions to be made to ensure that ENO can continue and so that future decisions are made based on strategy and in consultation

with the sector, with a particular focus on supporting the organisations that we have heard about today, such as the Donmar Warehouse, Welsh National Opera, the Glyndebourne tour and the Watermill Theatre. They need to continue their vital work outside London and I hope to hear more from the Minister about what can be done to ensure that.

3.46 pm

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Stuart Andrew): I thank my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) for securing this debate and other Members for their thoughtful contributions.

I am pleased that a number of debates on these issues have been held—both in this House and in the other place—over the last couple of months; that clearly demonstrates the ongoing interest in our incredible arts and culture. As I have stated on previous occasions, access to high-quality arts and culture needs to be more fairly spread. That is why we asked Arts Council England to ensure that funding is distributed more equally right across the country. As my ministerial colleagues have said in written ministerial statements, the Arts Council has fulfilled these ambitions and we are not apologetic about delivering on our policy commitments.

I will not go over past ground in respect of the investment programme or how it works, because I am keen that we think about the big picture today, but it is important to point out that this funding round will support a record number of organisations—a total of 990. That means we will be able to reach more people in more places than ever before. Every region in England outside London is seeing an increase in funding. For the avoidance of doubt, that includes the south-east: this is not just a north/south matter.

Every region in England, including London, is seeing an increase in the number of organisations that are being funded. Levelling Up for Culture Places, a list of 109 places that have been identified as having had historically low cultural investment and engagement, such as those my hon. Friend the Member for Stoke-on-Trent North (Jonathan Gullis) mentioned, will see investment almost double, with 192 organisations in those areas receiving £130 million over the next three years. When compared with the previous investment programme, that is equivalent to a 95% increase in investment. Many places that were not in the last portfolio—such as Stoke-on-Trent, Bolsover, Mansfield and Blackburn with Darwen—will now become home to funded organisations. I hope this will be transformative for many communities throughout the country.

There were a record number of applications to the 2023-26 investment programme, which is, as many will know, a competitive fund. It is usual that organisations will come in and out of the NPO. To support organisations leaving the portfolio, for the first time ever the Arts Council made available transition funding which, subject to application, allows organisations leaving the portfolio to access 12 months of funding from the point of announcement.

On the ENO specifically, no doubt Members have learned of the announcement that was made yesterday, which was mentioned in the debate. I am very pleased that the Arts Council has agreed to invest £11.46 million of funding in the ENO for the period from April 2023

to March 2024. This is to sustain a programme of work at the ENO's home, the London Coliseum, and at the same time to help the ENO with planning work associated with considering a new base outside of London by 2026 and the development of a new business model for its future operation.

We will also continue to deliver planned activity in London during the year, including an appropriate level of education and community engagement. We are delighted that this has been negotiated. Both sides have also agreed to work together to reach an agreement by the end of March this year on a further two years of funding to support the future of the organisation, subject to successful application. They are also working together on the future running of the Coliseum, and a future base. Taking note of many of the points that have been raised, I hope that is something that can be arranged as soon as possible.

Sir Robert Neill: We all appreciate that there has been progress, and that is welcome, but I hope the Minister will accept that this is not a complete answer. I urge him, when he speaks to the Arts Council, to bear in mind that in opera the programmes need to be planned a minimum of 18 months, and very frequently three to four years, beforehand. Even two years will not be enough to mount a serious programme of work, wherever it is. Flexibility needs to be shown on the timeframes so that we get decent work available in and outside London.

Stuart Andrew: My hon. Friend has made that point clearly. I know that those discussions are ongoing. I hope we will hear something by the end of March.

ACE's investment in opera, orchestras and other classical organisations will represent around 80% of all investment in music. Through the '23 to '26 investment programme, opera will continue to be well funded, with it remaining at around 40% of overall investment in music. Excluding the funding for the ENO, that is more than £30 million per year for opera alone. Organisations such as English Touring Opera and the Birmingham Opera Company will receive increased funding, and there are many new joiners, such as OperaUpClose and Pegasus Opera Company. The Royal Opera House and Opera North will continue to be funded.

Some Members have set out a view that where an organisation is headquartered is a blunt instrument when it comes to levelling up. My noble Friend the Minister for Arts set out a view on this late last year. He said:

"Touring is important... We do not, in any respect, disparage or undervalue that vital work, but... There is a difference in having an organisation based in your community from just being able to visit it as it passes through your town or city."—[*Official Report, House of Lords*, 15 December 2022; Vol. 826, c. 852.]

That said, the Government will continue to work with the Arts Council to understand all the impacts of its investment in arts and culture, including opera.

We remain committed to supporting the capital. We recognise and appreciate that London is a leading cultural centre, with organisations that do not just benefit the whole country but greatly enhance the UK's international reputation as a home of world-class arts and culture. That is clearly reflected in the next investment programme: around a third of the investment will be spent in London, equivalent to approximately £143 million per year for the capital. Historically, Arts Council spending per

capita in London has always been significantly higher than in the rest of the country, at £21 per capita in London but just £6 per capita in the rest of England.

Sir Peter Bottomley: If I have a spare place, I could invite the Minister to come to "Carmen" with me in a week-and-a-half's time at the ENO. Most people there will not be Londoners; people come to London for the show, so I think that those figures are not quite right.

I say to the Arts Council and the ENO, through the Minister, that if they had sat down together they could have worked out a better future. There are six weeks now for the Minister to encourage them to do that. If they do not succeed, he should come back here and there will be a much rougher debate.

Stuart Andrew: My hon. Friend has obviously missed the other debates, because they were fairly rough, I have to say.

Sir Peter Bottomley: That was the warm-up!

Stuart Andrew: There have been questions about the arm's length principle. I want to make clear that were any arm's length body, including the Arts Council, to breach the terms set by the Government, or to be found to be acting unlawfully, we would take the steps necessary to review the matter and determine the appropriate action.

There has been criticism of the board. I do not think it is fair to totally criticise the expertise that we have on many of those boards. They have a great deal of expertise in the performing arts. The board features musicians, concert hall chief executives, a Royal Shakespeare Company governor, a theatre chief executive—I could go on. Those are people who are obviously interested in the arts.

On the process, applicants receive lots of guidance, all of which is set out very clearly. Applicants know the criteria they are applying against and will have received, or be in the process of receiving, feedback on their applications. The Arts Council also runs webinars and is available to support organisations as they make those applications. In addition, there is a complaints process that is published on its website. If anybody has concerns about any process that has taken place, they can follow that. I will happily speak to hon. Members if they want more information.

I believe the arm's length principle is right, and successive Governments have observed that. That said, no organisation should avoid scrutiny. A number of points have been raised today, particularly around consultation, and I will raise those with the Arts Minister, my noble Friend Lord Parkinson.

My hon. Friend the Member for Gosport (Dame Caroline Dinenage) was right that we should point out that there have been no cuts to the Arts Council's core cash settlement. In fact, in the spending review, the Government increased that settlement by more than £43 million over the period from April 2022 to March 2025. That means that the Arts Council investment programme will soon be supporting more organisations in more places than ever before, all off the back of our unprecedented cultural recovery fund, which supported around 5,000 organisations and sites during the pandemic, and the ongoing increased rates of creative tax reliefs.

I am grateful for the opportunity to set out how the Government—

Barbara Keeley: Will the Minister give way?

Stuart Andrew: No, I am going to finish.

The Government's extensive programme of support, through the Arts Council national portfolio organisation programme, is benefiting areas across England, and more of them. The Government's support for the arts and culture across the country does, of course, stretch beyond national portfolio funding. It also includes our cultural investment fund, creative industries tax reliefs, support for business rate payers, support through the levelling-up fund and the energy bill relief scheme, and that is not to mention our unprecedented support during the pandemic.

I strongly believe that that investment will ensure that our world-class arts and culture continue to thrive into the future and across all parts of the country. I recognise the strong representations made in today's debate, which I can assure right hon. and hon. Members I will bring to the attention of my noble Friend the Arts Minister.

3.58 pm

Sir Robert Neill: I thank all Members who have attended the debate: the Father and Mother of the House and many others. That shows how seriously this is taken, which I hope is something the Minister will take back. This is something people care about strongly.

Sir Oliver Heald: Will my hon. Friend give way?

Sir Robert Neill: I will give way to my right hon. and learned Friend because I know he wants to say something positive about English National Opera.

Sir Oliver Heald: I am so sorry that I arrived late. I wanted to support my hon. Friend in what he had to say about the English National Opera, which we have discussed. It is so important that we preserve that institution, which has done so much to bring opera to the people.

Sir Robert Neill: That is a good message for the Minister to take away. The ENO is in the forefront of making art accessible to people who do not have a traditional background in opera, which I did not when I first took an interest as a young lad living in a semi-detached house in Hornchurch. My journey was not dissimilar to that of the former Secretary of State, my right hon. Friend the Member for Mid Bedfordshire (Ms Dorries), in coming to it as an art form.

Opera has enriched my life, and I declare my interest—which I do not think is unknown—as chair of the all-party parliamentary group on opera. That is the message I want the Minister to take away. This is not a fringe matter; it is central to our arts offer in this country. Although I accept that much good work is done by the Arts Council, something has gone badly wrong in this funding round.

There is a legitimate responsibility on Government to intervene when governance, process and consultation do not come up to the standards that we normally expect in a public body. That gives us the chance to put that right and get back on track with an arm's length body. It is not, I respectfully suggest, a reason to stand back and do nothing. I am sure the Minister will take the strength of feeling in this debate back to his colleagues in the Government and ensure that that gets to the Arts Council itself.

Question put and agreed to.

Resolved,

That this House has considered the funding decisions of Arts Council England.

Government Alcohol Strategy 2012

4 pm

Dan Carden (Liverpool, Walton) (Lab): I beg to move,

That this House has considered the 2012 Alcohol Strategy.

It is a pleasure to serve under your chairmanship, Mr Bone. I refer Members to my entry in the Register of Members' Financial Interests.

The Government's alcohol strategy 2012 was an ambitious attempt to reduce the harms of alcohol. In its introduction, it states:

"alcohol is one of the three biggest lifestyle risk factors for disease and death...It has become acceptable to use alcohol for stress relief, putting many people at real risk of chronic diseases. Society is paying the costs—alcohol-related harm is now estimated to cost society £21 billion annually."

Despite the ambition, 10 years on, the harms of alcohol have not decreased; they have spiralled. We are at crisis point.

Jim Shannon (Strangford) (DUP): It is not just about the fact that alcohol is more used today; it is also about the effect it has on lives. The hon. Gentleman will be aware that 70 people die every day due to alcohol. Deaths from alcohol had already increased prior to the pandemic: between 2001 and 2018, across the UK deaths increased by 13%. In Northern Ireland, deaths rose by 40% between 2012 and 2017—more than anywhere else in the United Kingdom. Does he agree that the Government must begin to deal with this in a standalone manner, rather than under the general umbrella of health?

Dan Carden: The hon. Gentleman hits the nail on the head. The point of this debate is that the Government had a very good strategy in 2012 and unfortunately failed to deliver on it.

Alcohol is now the leading risk factor for death, ill health and disability among 15 to 49-year-olds. In 10 years, deaths caused by alcoholic liver disease are up by a third, and the estimated cost of alcohol harm is upwards of £27 billion—£6 billion higher than back in 2012. Alcohol-specific deaths have risen by 27% in the last two years alone, and since 2012 there have been more than 66,500 deaths from alcohol across the UK. Alcohol-related hospital admissions in England are upwards of 980,000 annually, and one in five children is living in a household with one parent with an alcohol use disorder.

The wider impact on families and communities is incalculable, but it is often plain to see. The crisis we are facing is the consequence of a decade of inaction. Sir Ian Gilmore, chair of the Alcohol Health Alliance and a great advocate of alcohol policy reform, said:

"The ten years since the last Government UK strategy is a decade of missed opportunities to reduce preventable hospitalisations, deaths, violence, child neglect and antisocial behaviour. A failure to deliver on promised initiatives has contributed to the rising levels of alcohol harm we are seeing today. This cannot continue."

I want to mention a couple of the milestones of the last decade. In 2011, the Government alcohol strategy was introduced. In 2013, key evidence-based measures in the strategy were scrapped. In 2018, the Government promised another alcohol strategy, which was later scrapped. In 2019, it was announced that alcohol care teams were to be put in hospitals in the top 25% of most-in-need areas; that is still uncertain. In 2021, an alcohol and

health calorie labelling consultation was agreed, yet it has still not begun. In 2021, the Government's health disparities White Paper was due to be published, and yet still no decisions have been taken.

The Government's record on alcohol policy is one of policies scrapped and promises broken. The Health Foundation's 2022 review of Government policies tackling smoking, poor diet, physical inactivity and harmful alcohol use in England made for uncomfortable reading. It observed that there are "no national targets" for alcohol and that the Government have a dismal track record in implementing commitments, not only from the 2012 alcohol strategy but beyond. The report delivers a blistering assessment of the many alcohol policy initiatives that have not been introduced, or that are of unclear status or partially implemented.

The measures set out in the 2012 strategy were, and remain, effective, evidence-led health policies that are shown to prevent deaths and alleviate pressures on the NHS. Back then, the Government's stated outcomes were:

"A change in behaviour so that people think it is not acceptable to drink in ways that could cause harm to themselves or others; a reduction in the amount of alcohol-fuelled violent crime; a reduction in the number of adults drinking above the NHS guidelines; a reduction in the number of people 'binge drinking'; a reduction in the number of alcohol-related deaths; and a sustained reduction in both the numbers of 11-15 year olds drinking alcohol and the amounts consumed."

We were told the 2012 strategy would

"radically reshape the approach to alcohol and reduce the number of people drinking to excess",

through 30 commitments or actions covering various areas. The flagship policies included minimum unit pricing, banning multi-buy alcohol promotions in shops and regulating to ensure that public health is considered as an objective by local authorities when making alcohol licensing decisions. The former Prime Minister, David Cameron, promised that there would be 50,000 fewer crimes each year and 900 fewer alcohol-related deaths a year by the end of the decade.

The only conclusion that I can reach is that the decision to scrap the 2012 strategy is a major factor in alcohol-related crime, which now costs us £11.4 billion each year, and in the fact that deaths from alcohol have reached record levels, because soon after its publication, the Government backtracked on all the flagship policies, despite the evidence. Based on David Cameron's figures, 9,000 lives would have been saved.

Many of us who care deeply about the impact of alcohol and addiction across society fear that the influence of the alcohol industry on Whitehall and Westminster is to blame. When minimum unit pricing is mentioned, uproar ensues and misinformation spreads—namely, that introducing a minimum unit price would hit the pub trade or punish moderate drinkers. As the right hon. Member for Maidenhead (Mrs May), the former Home Secretary who introduced the strategy, said:

"Most drinks will not be affected by minimum unit pricing, but the cheap vodka, super-strength cider and special brew lagers will go up in price."

She went on:

"Pubs have nothing to fear from the minimum unit price that is being introduced today. That will not have an impact on them."—[*Official Report*, 23 March 2012; Vol. 542, c. 1072-1078.]

[*Dan Carden*]

The not-so-snappily titled “The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies” states:

“Policies that reduce the affordability of alcohol are the most effective, and cost-effective, approaches to prevention and health improvement.”

The 2012 strategy agrees with that. Minimum unit pricing is no silver bullet, but it is an evidence-based policy that works.

I welcome the alcohol duty reforms that will come into effect in August this year. Alcohol should be taxed according to its strength. That is an effective starting point that makes it possible to use duty reforms to improve public health. The reality of the last decade is that cuts and freezes to alcohol duty have cost the Treasury £8.6 billion since 2012.

Advertising was another key component of the 2012 strategy. In July 2013, “Next steps following the consultation on delivering the Government’s alcohol strategy” promised to challenge and engage with the industry and sellers to promote responsible drinking, and I want to read a little excerpt from the strategy:

“The alcohol industry has a direct and powerful connection and influence on consumer behaviours. We know that people consume more when prices are lower; marketing and advertising affect drinking behaviour; and store layout and product location affect the type and volume of sales.”

The “Next steps” document promised to challenge and engage with the industry and sellers to promote responsible drinking, saying:

“Alcohol offers are too often prominently displayed in shop foyers or at the end of aisles. Some in the industry recognise such promotions, and the high visibility of these within shops, can unduly encourage harmful levels of drinking.”

The strategy cites as one potential example for action the voluntary agreement between retailers and the Government in the Republic of Ireland. There is no evidence of any progress here in the UK, and alcohol marketing is more invasive than ever. Anyone who has set foot in a large supermarket will know that alcohol promotions are unavoidable, whether that is in the foyer, at the end of the aisles or at the checkout. The sales campaign is aggressive, unnecessary and irresponsible. In the Republic of Ireland, thanks to the voluntary agreement, alcohol is reserved to one area, with the exception of smaller stores. Why have Ministers not implemented a voluntary agreement between retailers and Government?

It is worth remembering that, in the same year the alcohol strategy was introduced, this place legislated to cover up cigarettes and hide tobacco products from public view. Last year, I met ASDA and other large supermarkets to discuss online marketing practices and giving customers an opt-out from online marketing. I hope we will see progress in that area.

There are tragic consequences for individuals, their families and communities from the failure of this strategy. It is not just the person drinking who is at risk from alcohol harm; the harms affect us all, and they cause the most damage in the most deprived communities. Nobody chooses to be alcohol-dependent—it is not a life that anyone would aspire to lead. Trauma and poor mental health are often the root cause.

Anyone who has tried to access support in the last 10 years will have faced an underfunded service with staff who are overworked and undervalued. Since 2012, billions of pounds have been hollowed out of drug and alcohol treatment. NHS in-patient detox provision in England is at breaking point. There are seven in-patient detox clinics across the country, with just over 100 beds, supporting a population of 56 million.

I want to share the experience of a father trying to support his daughter, who wishes to remain anonymous. He said:

“I did everything I could to stop her from drinking. I didn’t know where to go, no one seemed to help or care. Her drinking was out of control—she always had mental health difficulties and I know she thought the alcohol would help. I took her to A&E so many times and was told the same thing—‘we have no space for her’. I was broken, I still am. I’m not a doctor or a nurse, I didn’t know how to monitor an alcohol detox. Eventually I raised the funds to go private, she’s on the mend and slowly returning but I’m angry—I’ve worked my entire life, my daughter worked, we paid into the pot. How can there be no NHS beds for my daughter?”

As the Minister knows, alcohol care teams provide specialist expertise and interventions for alcohol-dependent patients and those presenting with acute intoxication or other alcohol-related complications. They are proven to be successful and help reduce avoidable bed days and readmissions. The seven-day-a-week service in the Royal Bolton Hospital saved 2,000 bed days in its first year, and modelling suggests that an alcohol care team in every non-specialist acute hospital would save 254,000 bed days and 78,000 admissions each year by year 3.

I have spent some time with the alcohol care team at the Royal Liverpool University Hospital, and I pay tribute to Dr Lynn Owens and her team for everything they do. In 2019 the Government promised to establish alcohol care teams in the 25% of hospitals with the highest need. Three years have now passed since that promise, and I hope the Minister will update us on the roll-out. Does he agree that alcohol care teams should be in every hospital?

As of December 2020, the Government have begun to replenish the budget for addiction treatment services, but it will take time to recover after a decade of cuts. This new funding forms part of the 10-year drug plan, “From harm to hope”, which adopts all the key recommendations from Dame Carol Black’s independent review of drugs. Dame Carol’s review was groundbreaking. However, the legal and most harmful drug—alcohol—was out of scope. Her review, if implemented properly, will see system change in reducing the harms of drugs. I commend the Government for commissioning the strategy and beginning its implementation, but now I want an independent review of alcohol, and so does Dame Carol Black. I am delighted that she supports that call.

In November, Alcohol Health Alliance UK and I, with the support of 42 cross-party colleagues from both Houses and over 50 leading health organisations, wrote to the Prime Minister calling for an independent review of alcohol that would lead to an alcohol strategy. The focus of that review should be evidence-based interventions to reduce the harms felt across society. There is already strong evidence for the effectiveness of measures to reduce the affordability, promotion and availability of alcohol, such as alcohol taxes and a comprehensive restriction on alcohol advertising. So far, the Government have responded to calls for an independent review by

signposting the recent increase in spending on addiction treatment services. Increased funding for treatment is a start, but improved drug and alcohol services are a separate matter from the wider public health measures that we need.

In recent years, we have heard a lot about the action needed to tackle tobacco use, gambling-related harm, the use of illicit drugs and obesity, but we hear little about what is needed to tackle the harms of alcohol. With so little to show from the Government's excellent 2012 alcohol strategy, is it any wonder that deaths from alcohol across England are about to top 10,000 annually? As the social and economic pressures continue to mount, more and more people will use alcohol to escape their often difficult reality. We cannot afford to wait another 10 years. The time to act is now.

In his foreword to the 2012 alcohol strategy, the former Prime Minister, David Cameron, said:

"the responsibility of being in government isn't always about doing the popular thing. It's about doing the right thing."

I hope the Government will take heed of his words and conduct an independent review of alcohol that informs an alcohol strategy for the future, because it is the right thing to do.

4.17 pm

The Minister for Crime, Policing and Fire (Chris Philp):

It is, as always, a pleasure to serve under your chairmanship, Mr Bone. I start by thanking the hon. Member for Liverpool, Walton (Dan Carden) for securing the debate and for his thoroughly prepared, thoughtful and considered remarks. In the past, he has spoken about his personal experience of this topic, so I thank him for bringing it to the attention of the Government and, through these proceedings, to the attention of the House.

The hon. Member made reference to the 2012 alcohol strategy, which sought to reduce the harms caused by excessive drinking without disproportionately affecting moderate drinkers. It is important to say that, although not all the measures set out in the strategy were introduced, many have been, including creating more powers to deal with problem premises; doubling the fine for persistent under-age sales; strengthening the mandatory licensing conditions; tightening the law on irresponsible promotions; enabling local councils to collect a late-night levy to contribute to the cost of policing; and introducing new powers to tackle alcohol-related issues, including closure and dispersal powers. All those were in the 2012 strategy, which the hon. welcomed, and they were delivered.

Some measures have not been taken forward, and the hon. Member mentioned some of those. One is minimum unit pricing for alcohol in England, where there was a feeling that the evidence base was not sufficiently strong. Minimum unit pricing was introduced elsewhere, including in Scotland. A report will shortly be published that assesses the impact of the minimum unit price for alcohol in Scotland, and we will study it extremely carefully to find out what lessons can be learned. If there is clear evidence on the effectiveness of minimum unit pricing in Scotland, we stand ready to respond to it. We are open-minded on the question, but we do want to see the evidence.

It is worth setting out some of the facts and figures around alcohol-related problems, because the picture is perhaps not as unrelentingly bleak as may have been

suggested. In terms of violent criminality and incidents relating to alcohol, back in 2009-10 the crime survey for England and Wales said there were just over 1 million alcohol-related violent incidents. By 2019-20—just before covid—that number had fallen to 525,000—it had dropped by roughly half from 2009-10 to 2019-20.

The percentage of adults consuming alcohol within the last week stood at 64% in 2009; by 2019 that number had dropped to 54%, so there was a 10 percentage point reduction, from 64% to 54%. Binge drinking—defined as drinking at least twice the recommended limit on a given day—stood at 20% in 2009, which is quite a high proportion, but by 2014 it had dropped to 15%. The proportion of under-18s consuming alcohol and suffering alcohol-related harm has also decreased significantly in the last 20 years. All those things are worth putting on record.

The Office for National Statistics publishes numbers for alcohol-specific deaths. There was a slight decrease from 2008 to 2012, but the numbers were fairly stable; they were pretty much constant through to about 2019. There was then an increase in 2020 and 2021—just in those last two years, as the hon. Member for Liverpool, Walton mentioned—and that is of concern. However, there is a feeling—perhaps more work needs to be done on this—that that was connected with increased alcohol consumption during the covid lockdown by people who were already at risk. We probably need to look at that more carefully. I am looking at the graph now, which is available on the ONS website, and it is striking that the mortality rates are flat over the last eight or nine years until the last two years, when they go up considerably.

I will mention one or two other important initiatives. One relates to the criminal justice system; sadly, having problems with alcohol is one of the things that leads to offending. It is not the principal driver of offending, but it is one of the drivers. Changes brought in recently—a year or two ago—introduced alcohol monitoring and abstinence licence conditions for prison leavers. They became effective just a year or two ago, and since November 2021 over 900 such conditions have been imposed.

Community sentence alcohol abstinence monitoring requirements ban offenders from drinking alcohol for up to 120 days, with tags used to monitor compliance. Over 5,000 orders have been imposed, and offenders have complied with the tag 97% of the time. Those licence conditions and abstinence monitoring requirements are quite significant and are clearly having a positive effect, and we can do more in that area.

The other important area the hon. Member mentioned was treatment, and he rightly made quite a few remarks about it. As he said, the drug strategy was published in December 2021, and it was backed by record funding. The focus of that strategy was on drugs, but the commissioning and delivery of drug and alcohol treatment services are integrated in England. In practical terms, that means that the implementation of the drug strategy and, critically, the funding that goes into treatment will also benefit people seeking alcohol treatment through mechanisms such as the new commissioning standards, the plan to build back the workforce—which the hon. Member also mentioned—and new investment to rebuild local authority-commissioned substance misuse treatment services in England. As I said, those are integrated, so they cover alcohol as well as drugs.

[Chris Philp]

This current year—2022-23—we have made £86 million of funding available to local authorities to invest in treatment and recovery services, with a further £10 million to increase the availability of in-patient detox beds, to help those requiring medically assisted withdrawal. In addition, as part of the NHS long-term plan, we are investing £27 million of national funding in an ambitious programme to establish specialist alcohol care teams in the 25% of hospitals with the highest rates of alcohol harm and socioeconomic deprivation. We think that those fully optimised alcohol care teams can significantly reduce accident and emergency attendances, bed days, readmissions and ambulance call-outs. It is estimated that that NHS programme will prevent 50,000 hospital admissions over five years. As the hon. Member alluded to, there has been a significantly increased focus on treatment in general over the last couple of years.

I am concerned that we should do even more to get people with alcohol problems into treatment, especially where that gets them into criminal offending. In that regard, the three kinds of medical challenges that often present are drug addiction, alcohol addiction and mental health problems. Estimates vary, but somewhere in the region of 50% of offenders, or possibly more, have one or more of those challenges. However, only about 2% or 3% of sentences, or maybe less, contain community treatment requirements, which might be a drug treatment requirement, an alcohol treatment requirement or a mental health treatment requirement. There is a huge opportunity to work with the Crown Prosecution Service, the probation service, which prepares pre-sentence reports, and the judiciary to get a lot more people referred into mental health, drug or alcohol treatment as an alternative.

Dan Carden: I am grateful to the Minister for his response. He has covered every part of government and society, from the health service to criminal justice. I think alcohol takes up around half of all police time. What I am asking for is a strategy and an independent review. The Government have taken their eye off the ball over the last 12 years. They published the strategy, but it was never fully implemented. What we need is something that looks across Government at alcohol, in the way Dame Carol was able to do with illicit drugs. Our constituents know that this is a problem up and down the country. It costs society tens of billions of pounds, and the money that the alcohol industry pays in taxes does not cover the cost of alcohol harm.

Chris Philp: I am not going to make a commitment in this debate to initiate a review, for reasons that the hon. Member will understand, but I will give the issue some consideration and careful thought since he raised it.

In concluding, I reiterate that there has been a significant increase in investment in drug and alcohol treatment in the last one or two years. We have the new alcohol abstinence monitoring provisions in place, and we have seen the consumption of alcohol decline. We have also seen the number of alcohol-related violent incidents halve over the last 10 years or so, and much of the 2012 strategy has been implemented, so there is a lot to be pleased about. I will give some thought to the suggestion the hon. Member made, and I will of course be happy to work with him going forward, given his obvious expertise and interest in this area.

Question put and agreed to.

Antimicrobial Resistance: Farm Animals

4.30 pm

Mr Virendra Sharma (Ealing, Southall) (Lab): I beg to move,

That this House has considered the use of antibiotics on healthy farm animals and antimicrobial resistance.

It is a great honour and pleasure to be here this afternoon and to see you in the Chair, Mr Bone.

Antimicrobial resistance, or AMR as it is more commonly known, should be of grave concern to us all because it affects every single one of our constituents up and down the country. As we emerge from the shadow of the covid-19 pandemic, this looming health catastrophe must be treated with greater urgency. We are on the edge of yet another global human health crisis, described by the United Nations Environment Programme as a “silent pandemic”, except we will be able to vaccinate our way out of this one. Worldwide, more than a million people a year are already dying from infections that cannot be treated with antibiotics. Our food system is broken, and this is the hidden public health cost of intensive factory farming.

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): I congratulate the hon. Member on securing the debate. The use of antibiotics in factory-farmed animals as a method of disease prevention to compensate for poor living conditions is a huge contributing factor to widespread antimicrobial resistance. The EU introduced legislation to tackle this. Does the hon. Member agree that Ministers must urgently act on their 2018 commitment to restrict preventive antibiotic use?

Mr Sharma: I thank the hon. Member for her positive intervention. I am sure the Minister will note it, and I will also be raising that issue later in my speech.

One of the root causes of AMR is the overuse of antibiotics on cruel factory farms. Factory farming inflicts unspeakable cruelty on billions of animals in the UK every year. It confines them to horrendous conditions often with barely enough room to turn around or lie down. This highly stressful and often barren environment can lead to injuries and severe behavioural issues, including aggression, tail biting in pigs, feather pecking and even cannibalism. The cruelty does not end there. Factory farming subjects animals to painful mutilations, such as tail docking and teeth clipping, without effective pain relief. This is not farming; it is industrialised animal cruelty. Colleagues will not be surprised to hear that these stressful, cramped and unsanitary conditions create the perfect breeding ground for disease. That brings me to my next point: the overuse of antibiotics.

The Minister for Food, Farming and Fisheries (Mark Spencer): I hesitate to interrupt the hon. Gentleman’s flow, because I will obviously get my say in a moment. I am sure that he does not want to slander a whole industry of farmers who take animal welfare very seriously. These are people who get out of bed very early in the morning to look after and care for their animals on a daily basis. People cannot do that unless they love and respect animals. I know that he does not mean to slander a whole industry, but I thought he might want to take a moment to reflect on some of his language and

acknowledge that there are farmers up and down this country who care deeply for the welfare of their animals and who look after them in a special way.

Mr Peter Bone (in the Chair): I would like to point out that you can have a go back at the Minister when it is his turn.

Mr Sharma: I am glad that the Minister found it necessary to intervene at this stage. I am not offended in any way, shape or form, but these are not just my views, but those of campaigners and experts in the field who have witnessed it and done the reports. We differ at this stage, but later in my speech he might change his mind and come back on a more positive note.

Antibiotics are routinely given to healthy farm animals to compensate for the cruel and frankly inhumane conditions they are kept in to prevent those animals from becoming sick. Antibiotics are being used to prop up this cruel system of suffering. Without antibiotics, these animals would simply not be able to survive these appalling conditions.

An estimated 75% of antibiotics used on UK farms are for group treatments. When used routinely, they are intended to compensate for poor hygiene and inadequate animal husbandry, and that happens despite the industry’s reduction of antibiotics used by 50% in recent years. Pigs, cows, chickens and dairy cows on factory farms are given antibiotics through their food and water on a regular basis. I ask colleagues this: if we will not take antibiotics when we are not sick, why would we administer them to healthy animals?

The problem is not confined to animal health. Right now we are seeing a rise in antibiotic resistance in animals, which is contributing to antibiotic resistance in humans. Last November I was delighted to host a reception on behalf of World Animal Protection and the Alliance to Save Our Antibiotics for the launch of their report, “Life-threatening superbugs: how factory farm pollution risks human health.” The study—the first of its kind in the UK—tested waterways and slurry run-off in areas of the Wye Valley, Suffolk and Norfolk near to both factory farms and higher-welfare outdoor farms for antibiotic residues and antibiotic-resistant bacteria. Antimicrobial resistance was found in rivers and waterways in areas with high levels of factory farming. Add to that the alarming news that livestock farms in England polluted rivers 300 times last year and the urgency becomes clear.

The key findings showed that resistance was found in these waterways to the antibiotic cefotaxime, which is used to treat sepsis and meningitis, and vancomycin—I am sure that the Minister will agree I am not a scientist, nor in the medical profession, so my pronunciation may be different but the meaning is right—which is used to treat MRSA. It is alarming that both are classified by the World Health Organisation as the highest priority, critically important antimicrobials in human medicine yet far too little is being done to halt resistance to this AMR in our environment.

None of the areas near the four higher-welfare outdoor pig or chicken farms tested had higher levels of any type of resistance downstream than was found upstream, which means that no evidence was found that the higher-welfare farms are contributing AMR to superbugs in the environment. On the other hand, five of the eight

[Mr Virendra Sharma]

intensive farms had more of at least one type of resistance downstream than upstream. The link between the overuse of antibiotics on cruel factory farms, river pollution, AMR and the threat to human health should be a warning to us all. We must follow the signs before we sleepwalk into another health emergency.

In 2022 World Animal Protection also conducted research into the presence of antimicrobial resistant enterococci in fresh pork samples sold in UK supermarkets. Now, that is a scary thought: AMR readily available on the shelves. The study looked at the prevalence of antimicrobial resistance depending on pork production method, including UK minimum legal standard farming, higher-welfare indoor farming and high-welfare outdoor organic farming. When the bacteria were found, they were then tested for susceptibility to different antibiotics—in other words, whether antibiotics were effective in killing them or slowing their growth. The result of the study indicated a potential trend: a higher AMR burden with more intensive production methods, and a lower AMR burden with higher-welfare production methods. That demonstrates a worrying link between the overuse of antibiotics on low-welfare factory farms, the food that we are consuming and the AMR to which we are exposed.

It is true that the UK has made progress in reducing its farm antibiotic use by 55% since 2014; that was prompted primarily by the threat of stricter EU regulations. However, reductions have stagnated since 2018, and much greater reductions are still achievable and desperately needed to safeguard human health. The remaining antibiotics still used on farms are predominantly routine group treatments that prop up poor welfare practices such as overcrowding, routine mutilations and early weaning. Before the EU brought in a ban, an estimated 75% of antibiotics used on UK farms were administered to groups of animals through feed or water, rather than by targeting individual animals displaying signs of illness. If we compare that with just 10% used for group treatments in Sweden and 20% in Norway, we quickly see that we have lost our position as world leader on this issue.

Industry-led measures have made a start in reducing antibiotic use on farms, but they have fundamentally failed to establish responsible and safe antibiotic use levels and how to achieve them. They have set out targets for what could be achieved without substantially raising welfare standards or changing farming methods. Now, we must push beyond this and raise welfare standards in order to create a truly sustainable food system.

Our European neighbours have already acted to curb this health risk fuelled by inhumane farming. In January 2022, the EU introduced new laws banning all forms of routine antibiotic use in farming and all preventive antibiotic treatments of groups of animals. Furthermore, EU legislation states that antibiotics can no longer be used to compensate for poor hygiene, inadequate husbandry or lack of care, or to compensate for poor farm management. The UK was a member of the EU when that legislation was agreed, and it is only right that it should be adopted into UK law. We should also consider the future ramifications for our trade with the EU should we not introduce the legislation as it continues to sail past us in reducing unnecessary antibiotic use.

I come now to the central question of this debate: when do the Government intend to introduce a ban on the routine use of antibiotics in healthy farm animals? In 2018, the then Secretary of State, the right hon. Member for Camborne and Redruth (George Eustice), stated that the UK Government planned to implement restrictions on the preventive use of antibiotics in line with the EU's proposals. That was over four years ago, and the practice has now been illegal in the EU for just under a year. In 2019, the Conservative party's manifesto committed to solving antibiotic resistance. However, there has still been no action.

The promised public consultation on new UK veterinary medicines regulation has been repeatedly delayed, and no new restrictions on preventive antibiotics use have been introduced. If no action is taken, it is estimated that more deaths will be attributed to AMR by 2050 than current deaths from cancer. That will be the true cost to human life. The health and wellbeing of animals, people and our planet are deeply connected. The United Nations recognises that antibiotics are used to mask poor conditions for farm animals and calls for investment in sustainable agricultural food systems. Farm animals kept in conditions where they can lead good lives do not need to be routinely given antibiotics. I ask the Minister today whether this Government will commit to a ban on the overuse of antibiotics.

4.45 pm

Steven Bonnar (Coatbridge, Chryston and Bellshill) (SNP): It is a pleasure to see you in the Chair, Mr Bone. I thank the hon. Member for Ealing, Southall (Mr Sharma) for securing this important debate and for laying out the situation. In the light of the pandemic, the protection of both people and animals is more important than ever, and yet serious risks are being posed by the use of antimicrobial agents leading to antibiotic resistance. The World Health Organisation described it as a serious threat that is no longer merely a prediction for the future; it is happening right now in every part of the world. That highlights the urgent nature of this matter.

In Scotland, biosecurity practices are routinely adopted as part of farm management strategies to help reduce the burden of endemic disease in Scottish livestock. Biosecurity measures are a large part of any herd or flock health plan. Responsible use of antibiotics, only when necessary, will help to reduce the spread of antibiotic resistance. A co-ordinated cross-sectoral response is required to address the threat from antimicrobial resistance. The Scottish Government continue to work in co-operation with DEFRA and the UK Government across such areas, ensuring agriculture regulations within a reserved context retain the high standards we are all accustomed to.

Margaret Ferrier: Antibiotic-resistant germs can end up in the food that humans eat and lead to illnesses such as food poisoning. That illustrates the importance of food standards, which are high in the UK. Does the hon. Member agree that the regulations that follow today's Retained EU Law (Revocation and Reform) Bill must be airtight to prevent a reduction in standards?

Steven Bonnar: My hon. Friend makes some excellent point, and I am sure the Minister will be listening. She always speaks with authority on such matters.

Scotland's food and drink sector continues to be successful, as we collectively follow the science in determining what is best for animals and, of course, safe for human consumption. Scotland and the rest of the UK's agriculture sector has some of the very highest standards in the world, and we are rightly proud of them. However, these gains are being sacrificed in trade deals with countries with lower standards and requirements. Total farm antibiotic use is five times higher in the United States and Canada than here, 16 times higher in Australian poultry, and triple in Australian pigs what the UK would allow.

The UK falls behind the EU, as the hon. Member for Ealing, Southall, mentioned earlier, in vital areas. Regulations covering antibiotic use on farm animals were tightened across the European Union in February 2022, but due to Brexit and the UK Government's intention to deregulate—my hon. Friend the Member for Rutherglen and Hamilton West mentioned the Bill before the House today—the UK has not followed suit. UK Ministers have also previously refused to commit to an outright ban on preventive use.

In response to a request for comment, a spokesperson for the Government's Veterinary Medicines Directorate said it would set out proposed regulatory changes as part of a public consultation during 2022, but they have not to this day responded to queries about whether the directorate would propose a ban. It remains legal in the UK to give antibiotics to farm animals routinely, rather than when they are sick or have an infection, and also to import animal foods produced with antibiotic growth promoters. The then Scottish Trade Minister, Ivan McKee MSP, called on the UK Government to seek action on AMR in all future trade agreements after the UK failed to do so when it struck its trade deal with Japan. The EU has also required similar acknowledgement as part of previous trade deals; it was successful in getting Australia to acknowledge the risk of AMR.

It is vital that the UK Government tackle antimicrobial resistance not only domestically but internationally through diplomacy and trade negotiations. If Scotland can take such action to protect our own farm animals through our very limited powers, then why can the UK Government not do so with the powers that they have? If they cannot, then why not provide the people of Scotland with the full authority to manage all our affairs?

4.50 pm

Daniel Zeichner (Cambridge) (Lab): It is a pleasure to serve with you in the Chair, Mr Bone. I congratulate my hon. Friend the Member for Ealing, Southall (Mr Sharma) on securing the debate and on his comprehensive introduction. No one wants antibiotics to be used when they are not necessary, whether in animals or humans, and he made his case powerfully.

As I represent Cambridge, it is not surprising that I have been briefed on a number of occasions by clinicians and scientists about the risks of antimicrobial resistance. The issue was brought to my attention soon after I was elected in 2015, long before I took on responsibilities relating to farmed animal health, so I have taken a close interest. I am grateful for excellent briefings from a wide range of organisations, including the Parliamentary Office of Science and Technology, the Alliance to Save Our Antibiotics, the British Veterinary Association, the

National Farmers Union, the National Office of Animal Health, MSD Animal Health, World Animal Protection and Compassion in World Farming, among others. There is considerable interest and expertise.

There is no doubt about it: antimicrobial resistance is a challenge that affects the whole world, with—as we have heard—an estimated 4.95 million people losing their lives because of an antibiotic-resistant infection in 2019. According to research published in *The Lancet* last November, 1.27 million of those deaths were attributed to the antibiotic resistance of the infection. I suspect that many of us are familiar with the 2014 review, chaired by Jim O'Neill, which warned that annual deaths due to antimicrobial resistance could rise to 10 million by 2050.

Consequently, it comes as no surprise that the World Health Organisation deems antibiotic resistance to be one of the biggest threats to global health, food security and development. I do not think anyone is under any illusion about the scale of the problem that we face, its risk to human health and how important it is that we reduce our use of antibiotics. In recent years, we have rightly seen considerable efforts made to reduce the use of unnecessary antibiotics in both humans and animals.

Since 2014, annual sales of veterinary antibiotics in the UK have reduced by 55%, with the Responsible Use of Medicines in Agriculture Alliance—RUMA—playing an important role. That achievement was commended by the UN Food and Agriculture Organisation in a report published last year, which said:

“The United Kingdom's example demonstrates that building trusted relationships across all stakeholders, including between farmers, vets, and government, can lead to sustained behaviour change, and embed practices of responsible use across farming sectors. Industry leadership on the issue has empowered producers to take action. Farmers now have open conversations with their peers on the importance of addressing AMR, and the steps which can be taken in their respective areas.”

That reference to industry leadership and building relationships across all stakeholders is critical, as it is for so many areas in the food and farming sectors. There are many tensions within our food system today, some of which are understandably a result of the need to maximise output to feed a growing global population.

As we have rightly better understood the consequences, we are now trying to find a balance between that output and the environmental, health and animal welfare issues that are so important. Although progress has been made, we still face major challenges. For example, the Alliance to Save Our Antibiotics advises that 75% of antibiotics used in UK farms are for group treatments, as my hon. Friend the Member for Ealing, Southall pointed out. That stands in contrast to other countries that manage to use antibiotics only to treat individual sick animals. Sweden and Finland are cited as examples. Although exact comparisons are difficult, we should always aspire to the highest standards here. We also heard in the introduction that some farms still use antibiotics in a routine way when others do not. The fear is that in some cases that is compensating for poor husbandry. Again, we should aim higher.

Let me ask the Minister about the Government's antimicrobial resistance national action plan in which it was stated, as we have already heard, that the UK would implement legislation along lines similar to those being adopted by the European Union. Is that still

[Daniel Zeichner]

the plan? If so, when? Why are we yet again falling behind the EU? This is the second time in this Chamber today that the Minister will have to explain why the Government have relegated the UK to the slow lane. What assessment has been made of the consequences for British farmers who export to the EU? What can the Minister tell us about ensuring in trade deals that we do not risk importing food produced to lower standards on antibiotic usage?

A key to reducing the use of antibiotics is, of course, vaccination. I am grateful to the National Office of Animal Health, which issued livestock vaccination guidelines last May to help vets and farmers to improve resilience, for its advice. Will the Minister tell us what support the Department is giving to vaccine development?

In conclusion, this is a short debate on a subject that merits much more detailed discussion. Overuse of antibiotics in general, and certainly in farming in the past, has clearly put us at risk from rising antimicrobial resistance. The falling use of antibiotics indicates that we are moving in the right direction, but there is more to do. As we transform and improve our farming systems to address wider environmental and health challenges, I am in no doubt that moving away from antibiotic use will play a key role in improving and safeguarding our health as well as the health of animals stewarded by farmers and vets.

4.56 pm

The Minister for Food, Farming and Fisheries (Mark Spencer): It is a pleasure to serve under your chairmanship, Mr Bone. I pay tribute to the hon. Member for Ealing, Southall (Mr Sharma) and congratulate him on calling the debate.

The Government recognise antimicrobial resistance or AMR as a policy issue of huge importance and public interest. It is right and proper that there is scrutiny of the matters we have discussed today. Antimicrobial resistance is one of the greatest public health threats that we face. A landmark study published last year, the Global Research of Antimicrobial Resistance report, reported that more than 1 million human deaths worldwide could be directly attributed to antibiotic resistance in 2019. That was the lower estimate. The report indicated that the figure could be as high as 5 million deaths globally, as the hon. Member for Ealing, Southall indicated in his speech.

Antibiotics are the cornerstone of human medicine. Without them, things we take for granted, such as routine surgery, would become life-threatening. Bacteria cause disease in animals, too, and veterinary medicine, like human medicine, needs to be able to rely on access to antibiotics that work. Not only do animal health and welfare depend on it, so in turn do the food systems that we depend on. It is vital that we protect those medicines for future generations.

To start, I would like to talk about how the Government are tackling antimicrobial resistance and what the UK strategy is. We know that AMR will not be an easy problem to overcome. In 2019, we put in place long-term plans to address AMR and published our UK 20-year vision to contain and control AMR by 2040. That strategic vision is supported by our current five-year

national action plan for AMR, which runs from 2019 to 2024. That plan is progressing well, and I will come shortly to some of its highlights.

Meanwhile, we are already developing the next five-year national action plan. Both the vision and the national action plan were developed across Government Departments and their agencies along with the Administrations in Scotland, Wales and Northern Ireland, supported by a range of stakeholders. Our 20-year vision lays out the UK's ambitions to create a world where AMR is contained, controlled and mitigated. In it, we have outlined our ambitions for lowering the burden of infections, our plans to optimise the use of antimicrobials across all sectors, and our aims to support the development of new therapies, diagnostics, vaccines and interventions.

We are taking a local, national and global approach. We are tackling AMR in people, animals, food and the environment, which is the One Health approach. The UK's five-year national action plan takes those ambitions and breaks them down into actions for the UK over the short term. One key ambition of the national action plan is to reduce the use of antibiotics in the UK farming sector.

Let us talk about reducing use in animals. In the UK, the livestock industry is responsible for the health and welfare of more than 1 billion farmed animals in its care each year and for the production of safe, high-quality food. Across the Department for Environment, Food and Rural Affairs, we have been working collaboratively for many years with the veterinary and livestock sectors to promote responsible antibiotic use. UK agriculture has undergone a transformation over the last few years, as livestock sectors have embedded the principles of responsible antimicrobial use in their farming practices. That transformation has led to a clear understanding from all stakeholders of the importance of preserving antimicrobial efficiency and the responsibility that we all have to protect those essential medicines.

Due to the strong working relationship that we have with our vets and farmers, the UK has taken a different approach to other countries in reducing the use of antibiotics in animals, one that has been praised globally. We have engaged with the different sectors and collectively driven a culture change of responsible antibiotic use within food-producing animals. That has led to a 55% decrease in use since 2014, making the UK one of the lowest users of veterinary antibiotics across Europe. In particular, RUMA is establishing and chairing a targets taskforce for vets and farmers. It was pivotal in the industry taking ownership and driving forward that change.

Those industries have worked to protect antibiotics that are important for human use, reducing the use of those critical medicines in animals by 83% since 2014. Of course, the purpose of reducing antibiotic use is to reduce bacterial resistance to antibiotics. At the same time as reducing use, we have been monitoring antibiotic-resistant trends in bacteria in healthy livestock since 2015.

Kerry McCarthy (Bristol East) (Lab): This is an issue that I have followed for quite some time, and I would like to pin the Minister down on it. Does he think that there is a problem with the routine overuse of antibiotics in farming? Does he think that current levels need to come down significantly, and does he think that it is in any way connected with industrialised factory farming?

Mark Spencer: We should be absolutely clear that the reduction in antibiotic use has been demonstrated. There has been huge engagement with the sector.

Kerry McCarthy: But is it still too high?

Mark Spencer: Of course, we could always reduce it further. But at the same time, we have to balance that with animal welfare and ensuring that no animal is affected detrimentally. No farmer in this country can administer antibiotics to an animal without a veterinary prescription. It requires a professional vet to prescribe that medicine for an animal. I have huge confidence in our veterinary service, and their professionalism and ability to make those decisions.

Daniel Zeichner: I think the Minister will agree that I have been uncharacteristically generous to him this afternoon. Let me press him on the point of group usage. Is that something that he thinks we should continue, or are there plans to change that?

Mark Spencer: I do not like blanket, overarching rules. There may well be a circumstance where a flock of birds or a group of animals are suffering from an infection and need to be treated. To rule out the use of group therapy when there is a group of animals that need veterinary intervention would be very silly. Of course, we want to ensure we target medicines at poorly animals, and that we use antibiotics to treat those animals. But to have a block rule where we rule out the use of a medicine to a group of animals that are suffering from an infection would be silly.

Kerry McCarthy: The Minister seems to be saying that vets issue prescriptions only when there is a proven need to deal with an infection or disease outbreak. However, we know prescriptions have been issued to prevent disease outbreaks. Does he not think that is a problem? It goes back to the issue of routine use as a preventative measure rather than to treat disease. The Minister seems to be saying that prescriptions are not issued for that purpose, but I am pretty sure that they are.

Mark Spencer: I did not say that. To be clear, what I said was that I trust the professional reputation and professionalism of our veterinary services, and that where a veterinary officer is concerned that an animal may well become infected in the near future, it seems reasonable that they could come to a professional decision that that animal is better off receiving preventative medicine to stop it becoming infected and to keep it healthy. We rely on the professionalism of our veterinary service, which is one of the best in the world.

The UK's success to date has been achieved without specific legislation. However, we are in the process of updating our laws regulating veterinary medicines and that gives us an opportunity to embed into law some of the excellent core principles of antimicrobial stewardship, which vets and farmers are already promoting through a culture of responsible use.

To support the progress made in recent years and to lay the foundation for ongoing reductions in the unnecessary use of antibiotics in animals, we are seeking to strengthen our national law in this area. We will soon be publishing a consultation on the Veterinary Medicines Directorate's proposed changes to the Veterinary Medicines Regulations

2013. The consultation will include proposals to stop the use of antibiotics to prevent disease in animals in all but exceptional cases, where the risks to animal health are high and the consequences likely to be severe, which was the point I made to the hon. Member for Bristol East (Kerry McCarthy).

Our proposals bear similarities to recently updated EU legislation on veterinary medicines. However, our proposals also take into consideration the fact that we use significantly lower levels of antibiotics than most other European countries. We have already developed a culture of responsible use across the veterinary and livestock sectors. We will keep working with the farming sector to prevent animal diseases through vaccination, biosecurity and good husbandry, and through that we will further reduce unnecessary antibiotic use and underpin the availability of safe and sustainable food.

It is worth putting on record that when we compare ourselves with our European colleagues, we have a much lower use of antibiotics. We have lower use than France, Belgium, Germany, Spain, Romania, Croatia, Greece, Malta, Bulgaria, Portugal—I can keep going with a whole list of countries where we are performing better than our European colleagues—but that does not mean that we cannot continue to push in the right direction.

AMR is not just a UK issue, but a global problem. The UK is a strong voice on the international stage as an engaged global partner on AMR. We have led the way for many years. In 2016, the global-facing independent AMR review, chaired by Lord O'Neill, catalysed a wave of political and public momentum to address the issue.

Recently, in 2021, under the UK's G7 presidency, we made commitments to better understand supply chains and improve resilience, investigate market incentives and novel valuation strategies for antimicrobials, and adopt standards for manufacturing of antimicrobials to reduce environmental pollution. The UK played a significant role in updating the international guidance to the Codex standards on AMR. Those standards ensure that food is safely traded across the world. We must tackle the threat head-on and galvanise countries across the globe to do the same. AMR is not only has a monumental health impact, but harms our economies and global security.

To conclude, the human population is predicted to reach 9.8 billion by 2050 and livestock products play an important role in feeding the world's population. The goal must be to produce food in the most sustainable way, minimising environmental impacts while respecting animal welfare. Food systems will need to adapt and take account of the need to reduce disease pressures and the need for antibiotics. Preventing animal disease through vaccination, improved biosecurity and good husbandry will increase the availability of safe and sustainable food.

The UK's sectoral approach successfully harnessed the power of the livestock industry to set its own targets and address the challenge of the food system as a whole. Producers' deeper understanding of their own sectors will enable them to plan more effectively for the future and consider how they can produce food in the most sustainable way.

In the UK, we have shown that by having shared Government and industry goals we reduce the use of antibiotics. Real, sustainable change can be delivered and I am confident that our new legislation will further empower farmers and vets to continue to work together.

Mr Sharma: I am sorry to interrupt the Minister, but I was looking at the time and thought that he was going to sum up. Before he does, I just wondered whether he could confirm, in clear words, that the Government will follow through on a ban on the overuse of antibiotics and ensure that there is no future for factory farming? Will he give the Government's exact position?

Mark Spencer: I thank the hon. Gentleman for his intervention. As I set out, we are about to consult on these matters. We have made huge progress in the right direction.

I do not know whether the hon. Gentleman deliberately tried to trigger me with his use of the term “factory farming”, so I hesitate to push back too robustly. However, I will say to him that farmers up and down this country genuinely love the animals that they care for. The level of animal welfare in this country is equal to that in any country in the world. I think UK farmers will take offence at some of the phrases that he has used today. Maybe that highlights that as an industry and as a sector we have not been as good at connecting with our consumers as we should have been, so there are many consumers out there who are not aware of the work that takes place on UK farms and the high welfare standards that exist on them.

As a DEFRA Minister, I am enormously proud of the work that the sector does up and down this country in looking after the welfare of its animals and making sure they are cared for, well fed and the healthiest they can be. The UK Government will be there with them and working with them on this journey, alongside vets, farmers and consumers, to make sure that we tackle the challenges that we face.

Mr Peter Bone (in the Chair): I call Mr Virendra Sharma to wind up the debate.

5.12 pm

Mr Sharma: Thank you, Mr Bone, for letting me have a few more minutes in which to speak.

Before I say thank you and sum up, I assure the Minister that we have no intention of criticising the majority of the farmers. They are genuine, honest, decent farmers.

I come from a farming background—my family back in India were farmers—so I understand the role of farmers and their approach. I mean no offence to them. However, there is a tiny minority of farmers about whom we have evidence from the organisations that produced the reports referred to today, so we know that there is an element in the farming community that behaves in the way I mentioned. It was not an attack on the credentials or credibility of most farmers. I wanted to make sure that was clear.

I very much thank all Members who have participated in this important debate today. The cruelty that millions of animals trapped in inhumane factory farms are exposed to every day in the UK is inexcusable in a country that prides itself on animal welfare. The overuse of antibiotics to compensate for appalling farming conditions is leading to antimicrobial resistance, or AMR, in both animal and human health.

The United Nations Environment Programme has described the spread of antibiotic resistance as a pandemic hiding in plain sight. Quite simply, we are sitting on a ticking timebomb. The health and wellbeing of animals, people and our planet are interdependent. Poor animal health and welfare in factory farming negatively affect food safety and our environment. Ending factory farming will help to curb the rise of AMR in farm animals and conserve the lifesaving medical interventions we rely on today. It will prevent millions of deaths and lead to improved animal welfare standards.

It is disappointing that the Minister has not committed in today's debate to a ban on the overuse of antibiotics, despite compelling and concerning arguments that the overuse of antibiotics impacts not only his constituents but every constituent in this country. I urge him and the Government to reconsider their position, to follow through on a ban on the overuse of antibiotics and to ensure that there is no future for factory farming.

Question put and agreed to.

Resolved,

That this House has considered the use of antibiotics on healthy farm animals and antimicrobial resistance.

5.15 pm

Sitting adjourned.

Written Statements

Wednesday 18 January 2023

TREASURY

Asset Purchase Facility

The Chancellor of the Exchequer (Jeremy Hunt): The Monetary Policy Committee (MPC) of the Bank of England (“the Bank”) decided at its meeting ending on 3 February 2022 to reduce the stocks of UK Government bonds and sterling non-financial investment-grade corporate bonds held in the asset purchase facility (APF) for monetary policy purposes by ceasing to reinvest maturing securities. The Bank ceased reinvestment of assets in this portfolio in February 2022 and has since commenced sales of corporate bonds on 28 September 2022, and sales of gilts acquired for its monetary policy purposes on 1 November 2022.

On 28 September 2022 the authorised maximum total size of the APF was increased by £100 billion from £866 billion to £966 billion to allow for the Bank to undertake a time-limited financial stability intervention in long-dated and index-linked gilt markets, which took place between 28 September 2022 and 14 October 2022. Purchases under this intervention totalled £19.3 billion.

On 4 November the Governor and I agreed to reduce the maximum size of the APF by £80 billion from £966 billion to £886 billion to reflect the unused portion of the recent financial stability related APF expansion. Separately, on 22 November 2022, the authorised maximum size of the APF was reduced by £15 billion from £886 billion to £871 billion to reflect the reduction in the stock of assets held by the APF for its monetary policy purposes since 5 May 2022.

On 29 November 2022, the Bank began to unwind its financial stability related gilt portfolio which it completed on 12 January 2023. I welcome the successful unwind of this portfolio which I note has been completed in a timely and orderly manner. I have therefore agreed with the Bank to decrease the authorised maximum size of the APF by a further £20 billion, from £871 billion to £851 billion, which reduces the size of the contingent liability associated with the APF’s indemnity.

The risk control framework previously agreed with the Bank will remain in place, and HM Treasury will continue to monitor risks to public funds from the APF through regular risk oversight meetings and enhanced information sharing with the Bank.

There will continue to be an opportunity for HM Treasury to provide views to the MPC on the design of the schemes within the APF, as they affect the Government’s broader economic objectives and may pose risks to the Exchequer.

The Government will continue to indemnify the Bank, the APF and its directors from any losses arising out of, or in connection with, the facility. If the liability is

called, provision for any payment will be sought through the normal supply procedure.

A full departmental minute has been laid in the House of Commons providing more detail on this contingent liability.

[HCWS501]

DEFENCE

Fleet Solid Support Ships: Contract for Manufacture

The Minister for Defence Procurement (Alex Chalk): Today I am providing an update on our plans for the next stage of the fleet solid support ship programme.

I am pleased to announce that the Ministry of Defence has placed a contract with a value of around £1.6 billion—linked to CPI—for the manufacture of three fleet solid support (FSS) ships by Team Resolute. This is an excellent deal for the taxpayer and will strengthen and secure the UK shipbuilding enterprise as set out in the national shipbuilding strategy.

Team Resolute, comprising Harland & Wolff Belfast, Bath-based BMT and Navantia UK, will manufacture these crucial vessels providing munitions, stores and provisions to the Royal Navy’s aircraft carriers, destroyers and frigates deployed at sea. The contract will deliver more than 1,000 new UK shipyard jobs, generate hundreds of graduate and apprentice opportunities across the UK and a significant number of further jobs throughout the supply chain. Team Resolute has pledged to invest £77 million in shipyard infrastructure to modernise the UK shipbuilding sector.

Blocks and modules for the ships will be constructed at Harland & Wolff’s facilities in Belfast and Appledore, and this work will also support the UK-based supply chain. Some build work will also take place at Navantia’s shipyard in Cadiz in Spain, in a collaboration allowing for key skills and technology transfer to the UK from a world-leading shipbuilder.

The entire final assembly will be completed at Harland & Wolff’s shipyard in Belfast, to BMT’s British design.

The awarding of this contract will see jobs created and work delivered in Appledore, Devon, Harland and Wolff Belfast and within the supply chain up and down the country. This announcement is good news for the UK shipbuilding industry. It will deliver long-term improvements in UK shipbuilding capacity and capability through investing in shipbuilding infrastructure, productivity, skills, and a more resilient supply chain. Overseas expertise will be used to transfer to the UK high value skills and provide inward investment in technology in the UK whilst meeting the UK’s security requirements.

The contract will also balance shipbuilding across the whole United Kingdom. Alongside the existing Type 26 and Type 31 frigate construction in Scotland, the Government are now committing substantial contracts to yards in England and Northern Ireland.

[HCWS502]

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