

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## ECONOMIC ACTIVITY OF PUBLIC BODIES (OVERSEAS MATTERS) BILL

*Sixth Sitting*

*Thursday 14 September 2023*

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CLAUSE 7 to 17 agreed to.  
New clause considered.  
Bill to be reported, without amendment.  
Written evidence reported to the House.

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**Monday 18 September 2023**

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**The Committee consisted of the following Members:**

*Chairs:* † DAME CAROLINE DINENAGE, SIR GEORGE HOWARTH

- |  |  |
|--|--|
| † Blackman, Bob ( <i>Harrow East</i> ) (Con)   | † Nici, Lia ( <i>Great Grimsby</i> ) (Con)             |
| † Buchan, Felicity ( <i>Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities</i> ) | † Norris, Alex ( <i>Nottingham North</i> ) (Lab/Co-op) |
| † Clarke-Smith, Brendan ( <i>Bassetlaw</i> ) (Con)   | † Qaisar, Ms Anum ( <i>Airdrie and Shotts</i> ) (SNP)  |
| † David, Wayne ( <i>Caerphilly</i> ) (Lab)   | Richards, Nicola ( <i>West Bromwich East</i> ) (Con)   |
| † Evans, Dr Luke ( <i>Bosworth</i> ) (Con)   | † Smith, Greg ( <i>Buckingham</i> ) (Con)              |
| † Fletcher, Colleen ( <i>Coventry North East</i> ) (Lab)   | † Stephens, Chris ( <i>Glasgow South West</i> ) (SNP)  |
| † Holmes, Paul ( <i>Eastleigh</i> ) (Con)  | † Young, Jacob ( <i>Redcar</i> ) (Con)                 |
| † Jenkinson, Mark ( <i>Workington</i> ) (Con)  | Bradley Albrow, Huw Yardley, <i>Committee Clerks</i>   |
| † Leadbeater, Kim ( <i>Batley and Spen</i> ) (Lab)   | † <b>attended the Committee</b>                        |
| † McCabe, Steve ( <i>Birmingham, Selly Oak</i> ) (Lab)   |  |

## Public Bill Committee

Thursday 14 September 2023

[DAME CAROLINE DINENAGE *in the Chair*]

### Economic Activity of Public Bodies (Overseas Matters) Bill

#### Clause 7

##### INFORMATION NOTICES

11.30 am

**Chris Stephens** (Glasgow South West) (SNP): I beg to move amendment 25, in clause 7, page 5, line 8, leave out

“, or is about to make”.

*This amendment, together with Amendments 26, 27, 28 and 29, would remove the ability of information notices and compliance notices to be given to public bodies prior to an actual contravention of the ban.*

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

Amendment 26, in clause 7, page 5, line 12, leave out “, or is likely to contravene”.

*See explanatory statement to Amendment 25.*

Amendment 27, in clause 7, page 5, line 15, leave out “, or is about to publish”.

*See explanatory statement to Amendment 25.*

Amendment 28, in clause 7, page 5, line 18, leave out “, or is likely to contravene”.

*See explanatory statement to Amendment 25.*

Amendment 29, in clause 8, page 6, line 6, leave out “, or is likely to contravene”.

*See explanatory statement to Amendment 25.*

**Chris Stephens:** It is a pleasure to see you in the Chair, Dame Caroline.

In considering this clause, we will continue some of the debates we had on clause 4 on Tuesday. We have heard many similar views from a range of parties that the Bill is an unethical attempt to stifle freedom of expression and legitimate concerns of councils and other publicly funded bodies. They will face significant fines for being about to, or likely to, associate with international norms of behaviour. And who will be empowered to conduct investigations into those suspected breaches? Why, it will be UK Government Ministers themselves who are granted that authority! There go freedom of expression and the rule of law. I ask Members to support the SNP amendments.

**The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Felicity Buchan):** Amendments 25 to 29 would remove enforcement authorities’ power to give information notices and compliance notices in anticipation of a contravention of the ban.

First and foremost, the powers given to enforcement authorities to be used before such a breach will prevent the sort of deeply divisive activity that we have heard about from representatives of the Board of Deputies of British Jews and the Jewish Leadership Council in oral evidence.

It is obviously much better to prevent a breach of the ban in the first place than to wait for a divisive boycott or divestment policy to be put in place before taking action.

I reassure hon. Members that that does not mean that there will be active monitoring of public authorities. Potential breaches will be investigated as and when they are brought to the attention of enforcement authorities by third parties. When flagged to enforcement authorities, it is only where relevant to a potential breach of clause 1 or 4 that an information notice may be issued to require information from a relevant public body.

Finally, the enforcement regime does not provide unprecedented powers for enforcement authorities. It is based on existing regimes. The powers are based on those that the Office for Students already has for regulating universities, and the powers to enforce the ban for local government pension schemes are similar to those that the Pensions Regulator already has. I therefore ask that the amendments be withdrawn.

**Chris Stephens:** We wish to test the will of the Committee on the matter. I ask Members to support our amendments.

*Question put, That the amendment be made.*

*The Committee divided: Ayes 2, Noes 9.*

#### Division No. 17]

##### AYES

Qaisar, Ms Anum

Stephens, Chris

##### NOES

Blackman, Bob

Jenkinson, Mark

Buchan, Felicity

Nici, Lia

Clarke-Smith, Brendan

Smith, Greg

Evans, Dr Luke

Young, Jacob

Holmes, Paul

*Question accordingly negated.*

*Amendment proposed: 26, in clause 7, page 5, line 12, leave out*

“, or is likely to contravene”.—(*Chris Stephens.*)

*Question put, That the amendment be made.*

*The Committee divided: Ayes 2, Noes 9.*

#### Division No. 18]

##### AYES

Qaisar, Ms Anum

Stephens, Chris

##### NOES

Blackman, Bob

Jenkinson, Mark

Buchan, Felicity

Nici, Lia

Clarke-Smith, Brendan

Smith, Greg

Evans, Dr Luke

Young, Jacob

Holmes, Paul

*Question accordingly negated.*

*Amendment proposed: 27, in clause 7, page 5, line 15, leave out*

“, or is about to publish”.—(*Chris Stephens.*)

*Question put, That the amendment be made.*

*The Committee divided: Ayes 2, Noes 9.*

**Division No. 19]**

**AYES**

Qaisar, Ms Anum Stephens, Chris

**NOES**

Blackman, Bob Jenkinson, Mark  
Buchan, Felicity Nici, Lia  
Clarke-Smith, Brendan Smith, Greg  
Evans, Dr Luke Young, Jacob  
Holmes, Paul

*Question accordingly negated.*

*Amendment proposed: 28, in clause 7, page 5, line 18, leave out*

“, or is likely to contravene.”—(*Chris Stephens.*)

*Question put, That the amendment be made.*

*The Committee divided: Ayes 2, Noes 9.*

**Division No. 20]**

**AYES**

Qaisar, Ms Anum Stephens, Chris

**NOES**

Blackman, Bob Jenkinson, Mark  
Buchan, Felicity Nici, Lia  
Clarke-Smith, Brendan Smith, Greg  
Evans, Dr Luke Young, Jacob  
Holmes, Paul

*Question accordingly negated.*

**Alex Norris** (Nottingham North) (Lab/Co-op): I beg to move amendment 10, in clause 7, page 5, line 32, leave out subsection (8).

*This amendment removes provisions stipulating that providing information in compliance with an information notice does not breach obligations of confidence or other restrictions on disclosure.*

It is a pleasure to see you in the Chair, Dame Caroline.

Clause 7 sets out the significant powers to compel information that will be made available to the enforcement authorities detailed in clause 6. As we have heard, the enforcement authority will most often be the Secretary of State. The provisions in clause 7 provide enforcement authorities with the power to prepare and issue an information notice to request from a relevant public body information relating to a decision in respect of the Bill. The enforcement authority—usually the Secretary of State, as I say—can request any information likely to be useful for it to assess whether the provisions of the Bill have been contravened or are likely to be contravened.

Provision is also made in respect of clause 4, the gagging clause. Clause 7 means that the enforcement authority can request information if it is satisfied that a public body subject to the Bill is about to publish, may publish or has already published a statement prohibited by the Bill. The most egregious provision is subsection (8), which provides:

“A person providing information in compliance with an information notice does not breach—

(a) any obligation of confidence owed by the person in respect of the information, or

(b) any other restriction on the disclosure of information (however imposed).”

“However imposed” is a challenging phrase. It seems to grant the Secretary of State or other relevant bodies the power to issue notices that would not only require all information to be handed over, but override normally protected duties of confidentiality, safeguarding or legal privilege. That is very significant. We would argue that those powers of investigation go beyond the powers of the security services to compel information. There is no clarity or sense of what checks and balances there are. Even the security services, which do not have that degree of power, have oversight mechanisms such as the Intelligence and Security Committee of Parliament. Frankly, this seems to be a very strong power to reserve to the Security of State or, indeed, the Office for Students.

We have heard evidence from multiple witnesses who are concerned about these provisions. We did hear from others who are less concerned, but even if colleagues consider the case I have set out to be wrong or overstated, the ambiguity is obvious. At the very least, the Bill is not clear enough. It is important to say that the Government do not—if I have understood properly what the Minister told the Committee last week—want the provisions to supersede legal privilege. That is welcome, and I am keen to have similar commitments regarding safeguarding duties. If that is the case, amendment 10 promotes that.

I believe that the Government ought to accept our amendment, or at least propose an alternative in lieu. What is in the Bill seems overbearing; if not overbearing, it is definitely unclear. That, at least, must be resolved.

**Felicity Buchan:** Amendment 10 would remove clause 7(8), which stipulates that providing information in compliance with an information notice does not breach obligations of confidence or other restrictions on disclosure.

The intention behind clause 7 is to provide a power for enforcement authorities to issue information notices to require information from a relevant public body relating to a decision in respect of the Bill. As drafted, the clause sets out a necessary and proportionate power for enforcement authorities properly to investigate potential breaches of the ban.

I must be clear that the clause does not place an undue burden on public bodies in scope of the ban. Information may be requested only if the enforcement authority is satisfied that a person has made or will make a decision or statement in breach of the Bill and that the information is likely to be useful for the enforcement authority’s investigation. Subsection (8) provides standard wording in order to give assurance to the person complying with the information notice that they will not be breaching an obligation of confidence or any other restriction on disclosure. The Bill is by no means unique in including such drafting; the same caveat is provided for in the Agriculture Act 2020, the Building Safety Act 2022 and the Health and Care Act 2022, for example.

The hon. Member for Nottingham North has said that he is concerned that the subsection would override the privilege between lawyer and client. I can reassure him that it does not. Legal professional privilege is a fundamental common-law right, including for those public bodies captured by the Bill, and specific words would not be needed to override it. The information power therefore does not extend to legally privileged material; I can confirm that I will clarify that point

[Felicity Buchan]

explicitly in the Bill's explanatory notes. I would also add that Richard Hermer KC has subsequently clarified, in written evidence to the Committee on this point, his view that it is likely that a court would not deem legal professional privilege to be overridden by the clause.

Subsection (8) does not provide a right to extract the information, nor does it give a power to the Government; it simply provides the person who is disclosing information necessary to investigate a potential breach with protection against a claim for breach of confidence or any other restriction. I therefore ask the hon. Member to withdraw his amendment.

**Kim Leadbeater** (Batley and Spen) (Lab): It is really important that legislation passed by the House be clear and unambiguous. As we have heard repeatedly in this Committee from a wide variety of sources, including witnesses who gave oral evidence and those who submitted written evidence, the Bill fails that test.

This subsection is another example of that. The open-ended reference to "any other restriction on the disclosure of information" makes no distinction, for example, between somebody expressing a view in a private and in a professional capacity. That cannot be right. Subsection (8) should be deleted.

**Alex Norris:** I am grateful to my hon. Friend the Member for Batley and Spen for her very effective contribution, with which I agree.

I hear what the Minister says about the intention behind the clause and about whether it is necessary and proportionate. I can probably agree with "necessary", but there is still a divergence of views between us on "proportionate". I also hear what the Minister says about commonality with other pieces of legislation. I am willing to accept that clause 7(8) is not a unique provision, but I do not think that that means that it is therefore the right provision. It could be badly drafted here and elsewhere too; that would not be without precedent.

11.45 am

I still have a problem. What the Minister says is welcome, and I have no reason not to take it at face value, but I am struggling to square paragraph (a), particularly the phrase "any obligation", with what she said, because those are obligations, and they are now clearly not considered under "any". It is already tricky that the "any" has caveats, but I also struggle to square the "any obligation" provision with subsection (9), which seems to set out other obligations, such as on data protection. I thought that the Minister might have relied on those, but she did not.

It seems that the Minister's strong intention is not to override legal privilege—that is welcome news—and she intends to make that clear in the explanatory notes. That is just about enough to see me off today, but I hope that she will reflect on the point. I do not think that what is set out the Bill is quite clear, given what she has said. I also think that there is a clash with subsection (9).

I know that the matter will be considered in the other place, and on that basis I will not press amendment 10, but I do not think that we are finished here. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Ms Anum Qaisar** (Airdrie and Shotts) (SNP): I beg to move amendment 33, in clause 7, page 5, line 39, leave out from "legislation" to end of line 41.

*This amendment is to probe the way the legislation appears to "qualify" the data protection legislation.*

It is a pleasure to serve under your chairmanship, Dame Caroline.

Like previous clauses that we have discussed, clause 7 is poorly drafted. It hands enforcement authorities powers that risk infringing on civil liberties such as the right to a private life. The clause allows an enforcement authority to compel a person suspected of contravening a ban to provide information, including personal information about people involved with a decision. It is clear that the intention is to prevent a public body from contravening clause 4, the so-called gagging clause. However, the broadness of the clause risks casting too wide a net and infringing on personal data. My amendment 33 seeks clarity from the Government as to how the clause will interact with existing data protection legislation.

Data law exists to protect people's privacy and data, but the Bill is confusingly drafted. In its current form, the clause could be interpreted as implying that existing data protection legislation is to be read in line with the Bill, rather than the other way around. That obviously raises issues about an individual's right to data privacy. The circularity of the drafting could potentially mean information disclosure obligations superseding data protection legislation. As has been raised numerous times under other clauses, the drafting clearly suggests that little thought has gone into the powers granted to enforcement authorities. It is unclear whether any assessment has taken place of the legal necessity of the powers or of whether they are proportionate under the General Data Protection Regulation and the Data Protection Act 2018.

The drafting of clause 7(8) is particularly concerning. It provides that disclosure of information under the provisions will not breach

*"any obligation of confidence owed by the person in respect of the information, or...any other restriction on the disclosure of information (however imposed)."*

That is such a broad definition that it potentially includes everything from contractual restrictions and court orders to legal professional privilege and even statutory restrictions on information disclosures.

Many people have raised these concerns, as we know from our evidence sessions last week and from written submissions. I am sure that granting such expansive powers was not the Government's intention in drafting the clause. I hope that the Minister will provide an explanation of why they have drafted the legislation so confusingly in respect of data protection and why they are granting such expansive powers to enforcement authorities.

The clause has the potential to allow a severe intrusion on an individual's right to privacy under article 8 of the European convention on human rights, which provides the right to a private life. The grounds on which information can be requested are very wide: someone would need merely to be suspected of being in the process of potentially making a prohibited decision or statement to be required to hand over information. That is compounded by the requirement to provide any information that is

*"likely to be useful to the enforcement authority".*



It would be beneficial if the Government explained what kind of information could be requested through an information notice.

Amendment 33 is a probing amendment, so I will not push it to a vote, but I hope that the Government will provide further detail on what evidence individuals will have to provide when issued with an information notice, as well as looking again at the broad powers granted under the clause.

**Felicity Buchan:** Amendment 33 would remove the part of clause 7 that refers to compliance with data protection legislation, specifically the requirement that the provisions of the clause should be taken into account when determining whether the provision of information would contravene data protection legislation. Importantly, an information notice does not require the provision of information if this would be in contravention of the data protection legislation.

The clause provides a lawful basis for sharing information. This is a standard drafting mechanism that respects the principles of data protection; it does not alter the principles of data protection. As I have already set out, the Bill is by no means unique in including this drafting, which features in various pieces of existing legislation, such as the Building Safety Act 2022 and the Agriculture Act 2020. For those reasons, I ask the hon. Member for Airdrie and Shotts to withdraw the amendment.

**Ms Qaisar:** I thank the Minister for her response, but I do not think it goes far enough in addressing the concerns that I and other Members have raised. I heard what she said, and I understand from her previous contributions that some additions will be made to the explanatory notes. I am slightly concerned that, when they made concessions on clause 7 and others, the Government said that there will simply be additions to the explanatory notes, rather than anything on the face of the Bill. I hope the Minister will go back and seriously consider how to tighten up the language in the clause. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Clause 7 ordered to stand part of the Bill.*

*Clause 8 ordered to stand part of the Bill.*

### Clause 9

#### MONETARY PENALTIES: POWER

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

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

Amendment 11, in clause 10, page 7, line 20, at end insert

“within 60 days of the passage of this Act.”

*This amendment specifies that regulations prescribing a maximum monetary penalty must be made within 60 days of the Bill being passed*

Amendment 12, in clause 10, page 7, line 21, leave out “may” and insert “must”.

*This amendment, together with Amendment 13, would require the publication of regulations in matters to which the enforcement authority must, or must not, have regard in exercising its powers within 60 days of the passage of the Act.*

Amendment 13, in clause 10, page 7, line 23, at end insert

“within 60 days of the passage of this Act.”

*See explanatory statement to Amendment 12.*

Clause 10 stand part.

**Alex Norris:** I rise to speak to amendments 11 to 13, which relate to clauses 9 and 10. Clause 10(1) states that:

“The Secretary of State must, by regulations, prescribe a maximum penalty for the purposes of section 9”.

Clause 9 states that an enforcement authority may impose a monetary penalty on someone if they do not comply with the provisions of the Bill. Similarly, clause 10(2) states that:

“The Secretary of State may, by regulations, make provision about matters to which the enforcement authority must, or must not, have regard in exercising its powers under section 9”.

which refers to the power to impose monetary penalties.

The regulations set by the Secretary of State will be highly consequential, because they will show how the sharper elements of the Bill, which we have already discussed, will interact with the rights and freedoms of individuals. They will outline the monetary penalty, but also what the enforcement authority—most often, the Secretary of State—will weigh in making a decision. As drafted the Bill does not specify when the Secretary of State must make these regulations and when they will take effect. That leaves a degree of ambiguity, and a gap where people will be waiting to see when the provisions start to bite.

The Minister previously talked about measures being necessary and proportionate. It is necessary to have an enforcement regime, and proportionate for the shoe to drop at some point; otherwise there is no point in having the legislation. Also, having made a significant number of points around Henry VIII provisions, and, at length, been quite displeased by some of them, even someone with my hard heart would say that it is proportionate for those to be set by regulations, because they will change over time.

The quid pro quo for that is what I have set out in amendments 11, 12 and 13, which remove some of the ambiguity and has the Government say when they intend to set the regulations. These probing amendments—I will not press them to a Division—set out what ought to happen within 60 days of Royal Assent, which would give a degree of clarity for those who are getting their decisions in order and understanding when the provisions are likely to fall. I think that is proportionate. If 60 days is too short or long a period, I hope the Minister will say when the Government intend to do this. I suspect they want to get on with it, but people ought to have that clarity.

**Felicity Buchan:** Amendment 11 would require the Secretary of State, via regulations, to set a maximum fine that can be imposed on public authorities in breach of the ban within 60 days of the Bill being passed. The suggestion by the hon. Member for Nottingham North to set a deadline of 60 days for the Secretary of State, while well intentioned, is inappropriate.

It is crucial that the threshold for fines is carefully decided in consultation with enforcement authorities, including the Office for Students and The Pensions Regulator. Since that will also be done by the affirmative

[Felicity Buchan]

procedure, the measure will need to go through both Houses. It will need to go through the Joint Committee on Statutory Instruments, the Secondary Legislation Scrutiny Committee in the House of Lords, and it would need to be debated in both Houses. Clearly, it is a piece of legislation that the Government want to be implemented, so I give the Committee my word that we will do this as expeditiously as possible. It is wrong, however, to commit to 60 days.

The same arguments apply to amendments 12 and 13. We agree that expediency in setting out details of the enforcement regime is important, but we need to take into account proper consultation with the regulators and enforcement authorities, as well as due scrutiny in both Houses. For that reason, I ask the hon. Member for Nottingham North to withdraw the amendments—I know that he said they were probing amendments.

**Alex Norris:** I am grateful for that answer from the Minister. I am happy to withdraw the amendment on that basis. The point about consultation is important, so I hope that is a full consultation, both with potential enforcement authorities and those who speak for those that are going to fall under the provisions, such as the Local Government Association.

*Question put and agreed to.*

*Clause 9 accordingly ordered to stand part of the Bill.*

*Clauses 10 and 11 ordered to stand part of the Bill.*

### Clause 12

#### APPLICATION OF PROHIBITIONS

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

**Alex Norris:** Clause 12 adds back the local government pension scheme. We heard in evidence just how seriously the local government pension scheme takes its fiduciary duties. This is overreach. The case for the inclusion of the local government pension scheme is weak. Again, I think this will play out later down the line in further discussions in the other place. Its inclusion, which is significant and will add an extra burden and anxiety for people working hard to deliver important benefits for their members, is not really necessary, so I hope the Minister will reflect on that.

*Question put and agreed to.*

*Clause 12 accordingly ordered to stand part of the Bill.*

*Clauses 13 to 16 ordered to stand part of the Bill.*

### Clause 17

#### GENERAL PROVISION

12 noon

**The Chair:** Amendments 16 and 17 to clause 17 were debated in an earlier group. I have not selected those amendments for separate decision, because they are incompatible with an earlier decision, namely that clause 2 stand part of the Bill.

*Amendment proposed:* 1, in clause 17, page 10, line 39, at end insert—

“(1A) Section 1 does not apply to decisions made by—

- (a) Scottish Ministers, unless a motion has been passed by the Scottish Parliament indicating its consent to this Act;

(b) Welsh Ministers, unless a motion has been passed by Senedd Cymru indicating its consent to this Act;

(c) a Northern Ireland department, unless a motion has been passed by the Northern Ireland Assembly indicating its consent to this Act.”—(Wayne David.)

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 7, Noes 9.

### Division No. 21]

#### AYES

David, Wayne	Norris, Alex
Fletcher, Colleen	Qaisar, Ms Anum
Leadbeater, Kim	Stephens, Chris
McCabe, Steve	

#### NOES

Blackman, Bob	Jenkinson, Mark
Buchan, Felicity	Nici, Lia
Clarke-Smith, Brendan	Smith, Greg
Evans, Dr Luke	Young, Jacob
Holmes, Paul	

*Question accordingly negatived.*

*Clause 17 ordered to stand part of the Bill.*

### New Clause 1

#### IMPACT ASSESSMENT: TRADE AND DIPLOMATIC RELATIONS

“(1) Within six months of the passage of this Act, the Secretary of State or the Minister for the Cabinet Office must conduct an impact assessment of this Act’s impact on the United Kingdom’s trade and diplomatic relations with the following countries—

- (a) Afghanistan;
- (b) Bangladesh;
- (c) Belarus;
- (d) Central African Republic;
- (e) China;
- (f) Colombia;
- (g) Democratic People’s Republic of Korea;
- (h) Democratic Republic of the Congo;
- (i) Egypt;
- (j) Eritrea;
- (k) Ethiopia;
- (l) Haiti;
- (m) Iran;
- (n) Iraq;
- (o) Libya;
- (p) Mali;
- (q) Myanmar (Burma);
- (r) Nicaragua;
- (s) Occupied Palestinian Territories;
- (t) Pakistan;
- (u) Russia;
- (v) Saudi Arabia;
- (w) Somalia;
- (x) South Sudan;
- (y) Sri Lanka;
- (z) Sudan;
- (aa) Syria;



- (ab) Turkmenistan;
- (ac) Uzbekistan;
- (ad) Venezuela;
- (ae) Yemen;
- (af) Zimbabwe.

(2) The Secretary of State or the Minister for the Cabinet Office must produce a report on the outcome of the impact assessment.

(3) The report mentioned in subsection (2) must be laid before Parliament as soon as reasonably practicable after the impact assessment has been conducted.”—(*Chris Stephens.*)

*This new clause would require the Government to undertake an assessment of the impact of the Act on the UK’s trade and diplomatic relations with the countries identified by the FCDO as human rights priority countries.*

*Brought up, and read the First time.*

**Chris Stephens:** I beg to move, That the clause be read a Second time.

One definition of a human being is that they learn from their mistakes. To do so, they must review their actions against a set of criteria, often through an impact assessment, so as to identify any error, misjudgment or unintended consequence that they may have created. That sometimes leads to a revision or reversal of prior actions. I am sure that we all agree with that statement, given that we are all human beings, are we not? The principle applies to presumptions as well as actions. I am sure the Government hope this legislation will impact only on the countries and territories explicitly named in the Bill, but that may be presumptuous. New clause 1 provides a list of countries whose behaviour might change as a consequence of the Bill being enacted. It might change them for the better, but we ought to be aware that some will see it as a green light to expand their breaches of human rights, confident in the knowledge that the UK has turned a blind eye to their behaviour, all in the interest of expanding trade. We believe that the impact assessment and the timescales proposed are realistic and essential to the reputation of the UK. I ask the Committee to send a clear message to those countries by supporting the new clause.

**Felicity Buchan:** I urge hon. Members to reject the new clause. It would give the Secretary of State or Minister for the Cabinet Office a new duty to conduct an assessment, six months after passage of the Act, of its impact on the UK’s trade and diplomatic relations with the countries identified by the Foreign, Commonwealth and Development Office as human rights priority countries.

The UK Government’s trade positions and diplomatic efforts will not be affected by the Bill. Its intent is to ensure that the UK speaks with one voice internationally; it is not to hamper diplomatic relations by publishing arbitrary impact assessments for the countries listed in the new clause. The Bill makes clear where the power to conduct foreign policy is, and allows other public bodies to focus on their core duties. It does not change any aspect of the UK’s foreign policy.

That is not to say that the Government will not carry out impact assessments on international matters when needed. Indeed, we are already committed to producing independently scrutinised impact assessments, such as those for new free trade agreements. Moreover, as with any Act that the House passes, once the Bill is an Act it can be subjected to post-legislative scrutiny by a

parliamentary Select Committee to assess how it has worked in practice since coming into force. The additional impact assessment proposed by the hon. Member for Glasgow South West is unnecessary. For those reasons, I ask him to withdraw the new clause.

**Chris Stephens:** I have listened carefully to the Minister. If I understood her correctly, she said that the Bill does not change Foreign Office policy. Many Opposition Members believe that some provisions in the Bill actually do change Foreign Office policy, and we explored that in an earlier exchange. Many of us believe that we are using a domestic Bill to change Foreign Office policy, and if we are doing that, I insist that the Committee divide on the new clause.

**Bob Blackman** (Harrow East) (Con): Will the hon. Member explain the basis on which he selected his large number of countries and excluded others?

**Chris Stephens:** As a member of this Committee, the hon. Gentleman could have tabled an amendment to the new clause or even his own amendment. Those countries were selected because of concerns with the human rights abuses that are taking place. Perhaps that will satisfy the hon. Gentleman enough for him to support the new clause.

*Question put, That the clause be read a Second time.*

*The Committee divided: Ayes 2, Noes 9.*

#### Division No. 22]

#### AYES

Qaisar, Ms Anum

Stephens, Chris

#### NOES

Blackman, Bob

Jenkinson, Mark

Buchan, Felicity

Nici, Lia

Clarke-Smith, Brendan

Smith, Greg

Evans, Dr Luke

Young, Jacob

Holmes, Paul

*Question accordingly negatived.*

*Question proposed, That the Chair do report the Bill to the House.*

**Felicity Buchan:** May I take this opportunity to thank the entire Committee? We have worked effectively and expeditiously. I also thank the two Chairs and the Clerks.

**Alex Norris:** Similarly, I want to put on record our thanks to you, Dame Caroline, and Sir George, to the top-class Clerks for all their help, to the civil servants for their work and to my colleagues. I draw special attention to my hon. Friend the Member for Wigan (Lisa Nandy), who was shadow Secretary of State on Second Reading, for her efforts and support while we have been getting our work together, and to the Minister for her collegiate work, both inside and outside this room. I also thank her colleagues.

**Chris Stephens:** May I first thank you, Dame Caroline, and Sir George for chairing these sittings? I also commend all Members. There has been much debate around the Bill, and many of us have regarded it as essential that

[Chris Stephens]

we debate it in a tone that is appropriate but also robust. I think we have done that in this Committee. I would like to thank all hon. Members for the tone they have adopted and also for their good humour. That has been essential for the Bill, which has been fairly controversial.

We will obviously reflect on the changes we want to see in the stages to come. I do think there is going to be a challenge on the Government's side, because a number of their Members are very critical of the Bill. The fact that no amendments have been agreed will be a test for them. I again thank you, Dame Caroline, and Sir George, as well as the Clerks, for all the help we have had.

Lastly, it was unfortunate that there was no evidence from a Palestine support group in our evidence sessions. I do not believe there was a conspiracy on that. I think it was perhaps more cock-up than conspiracy, but I hope it is something we will all learn from. We should have all views heard, and we might all want to take that point away and reflect on it.

**Bob Blackman:** On that point, the Committee received correspondence today from the Palestine Solidarity Campaign. Conservative Members' inboxes have certainly been filled with over 2,500 emails from people who are sending a template email that is factually inaccurate. It would be helpful to know from the Clerks or you, Dame Caroline, whether there will be a response to the correspondence we have had or whether we as individuals will have to respond and point out the facts. Personally, I have three or four emails from constituents, but the emails have come in from literally all over the country to everyone else. Frankly, it is a complete waste of their time and effort.

The point the Palestine Solidarity Campaign has made is reasonable given the information that has been supplied to it, but we need to correct the record on how the witnesses were chosen and on the offer that was made in terms of correspondence and evidence so that we could carefully consider all sides. As the hon. Member for Glasgow South West has referred to, we have to go through Report, Third Reading and the other place. It would be grossly unfair, given all the work the Committee has done, were it suggested that we were one-sided and did not hear the other side of the argument.

**The Chair:** Unfortunately, there is no formal route for the Committee as a whole to make a statement, but Members had the opportunity to discuss the issue last Thursday, and in making his comments now, the hon. Gentleman has put his very well-reasoned thoughts on the record. I would suggest that Members do have to respond individually to correspondence they get, but the hon. Gentleman can now refer to his comments, which are on the record and there for everyone to see.

**Lia Nici** (Great Grimsby) (Con): I rise briefly to support my hon. Friend the Member for Harrow East. We should make it clear to members of the public who are listening or reading *Hansard* afterwards that individual Members of Parliament have had no influence on who comes to give evidence and who does not. The aggressive nature of what we and our staff have experienced this week really is not acceptable. We are here trying to do the best job we can, and we have had no influence on who does and does not come here to give evidence. I just wanted to put that on the record.

**The Chair:** The Committee did agree a resolution about who would come in to give evidence; that agreement was debatable and amendable. But the hon. Lady's point is well made and is now on the record.

**Chris Stephens:** I would not usually try to intervene again, Dame Caroline, especially when I am trying to get to another debate, but I thank Government Members for raising this issue. I have had 2,700 emails, so I think that everyone on the Committee has got the emails. I suggest that this matter is raised through the usual channels. I think there was a cock-up rather than a conspiracy; the email address of one of the organisations was certainly on our suggested list. I think it would help all of us if there was a template response agreed via the usual channels. I put that forward as a suggestion to take to the usual channels to see whether we can come up with something that would be a template for us all.

**The Chair:** The Whips on both sides will have heard that, and I suggest they take it away and come up with a solution that is acceptable to everybody.

**Lia Nici:** May I clarify for the record that, as a general rule, Members of Parliament do not make contact with people who are not their own constituents? I will not ask my hard-pressed team in the constituency to respond to people who are not constituents. That is parliamentary protocol. No constituents have got in touch with me about this matter, and I will not be requesting that my team respond to non-constituents, because we need to work with people who really need our help.

**Felicity Buchan:** I echo the comments of my hon. Friend the Member for Great Grimsby. It may be useful if I spend one minute explaining how the witness list comes about. Each party suggests witnesses, and then a Programming Sub-Committee agrees the list of witnesses. I just wanted to clarify that point.

*Question put and agreed to.*

*Bill accordingly to be reported, without amendment.*

12.17 pm

*Committee rose.*

**Written evidence reported to the House**

EAPBB44 Alyson Tyler

EAPBB42 Karl Drinkwater

EAPBB43 Local Government Association

