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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Wednesday 17 January 2024

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Restoration of Power Sharing

1. **Stephen Morgan** (Portsmouth South) (Lab): What recent discussions he has had with party leaders on the restoration of power sharing in Northern Ireland. [900948]

5. **Stephen Farry** (North Down) (Alliance): What recent progress he has made on the restoration of political institutions in Northern Ireland. [900952]

11. **Sarah Jones** (Croydon Central) (Lab): What steps his Department plans to take to help restore power sharing in Northern Ireland. [900958]

13. **Catherine West** (Hornsey and Wood Green) (Lab): What recent discussions he has had with party leaders on the restoration of power sharing in Northern Ireland. [900960]

The Secretary of State for Northern Ireland (Chris Heaton-Harris): It will not have escaped your notice, Mr Speaker, that four years ago, on 11 January, the Northern Ireland Assembly reformed. The First Minister effectively collapsed the institutions and power sharing by resigning on 3 February 2022.

Behind these questions is a desire for the return of power sharing and the Northern Ireland Executive—a desire that I very much share, hence my most recent discussions with the leaders of most of the political parties that took place in Hillsborough on Monday, when we discussed the very many matters relating to this goal.

Stephen Morgan: Negotiations with the Democratic Unionist party have been ongoing for quite some time, and they have not yet resulted in the restoration of the Executive. What does the Secretary of State think the DUP is looking for?

Chris Heaton-Harris: I cannot answer for the DUP, and would never seek to do so, but behind all this is the concern that it had about the Northern Ireland protocol as we left the European Union and how, as a consequence, goods were gradually being removed from Northern Ireland's supermarket shelves—a visible sign that Northern Ireland was being pulled away from the United Kingdom's sphere of influence and into the European sphere. I believe the Windsor framework set that straight.

Stephen Farry: I very much welcome the Secretary of State's commitment to a £3.3 billion financial package. However, we are seemingly at an impasse. He will be aware that there is a groundswell of opinion that believes elements of the package should be released to address the ongoing crisis in our public services and, in particular, public sector pay pressures. Will he consider releasing some of that money to address public sector pay?

Chris Heaton-Harris: I thank the hon. Gentleman for his question and, indeed, for the way in which he and his party have conducted themselves in the talks to try to restore the Executive. The UK Government put an extremely fair and generous package for a restored Executive, worth £3.3 billion, on the table before Christmas. The money that Northern Ireland civil servants and I have available is from the budget passed in this place in the last year.

Sarah Jones: I was recently in County Kildare with the Minister of State and the British-Irish Parliamentary Assembly, working to build understanding between the two countries. We heard from Irish Ministers and the ambassador about the impact of the lack of a functioning Northern Ireland Assembly. Bearing that in mind, and the struggles that we know people are having in Northern Ireland with their bills, potential strike action and all kinds of issues, can the Secretary of State say a bit more about what he is doing, and about the meetings and conversations he is having, to work at pace to try to get a solution?

Chris Heaton-Harris: I thank the hon. Lady both for her interest and for the sentiment behind her question. A huge amount is happening, including meetings galore with all the political parties in Northern Ireland, and especially the Democratic Unionist party, because it is the DUP that I need to get on board so that the Executive can be restored. The hon. Lady says "at pace", and we will happily work at whatever pace we can, but it is slightly determined by our interlocutors.

Catherine West: The current industrial action is due to hard-pressed public servants feeling that they are at the end of their tether. Would it not be better if the Assembly were functioning normally, so that this could be resolved as soon as possible?

Chris Heaton-Harris: Yes, the hon. Lady is exactly right. There is a fair and generous £3.3 billion package on the table for a restored Executive to use for this purpose and many others. As everyone involved in Northern Ireland politics understands, there is a need to transform public services in Northern Ireland, and this package would help to do that too.

Mr Speaker: I call the Chair of the Select Committee.

Sir Robert Buckland (South Swindon) (Con): I commend my right hon. Friend for his efforts to try to restore the Assembly and the Executive with a big offer. Is it not right that, were direct rule to be contemplated, we would now need primary legislation following the St Andrews agreement? The political reality is that it would mean huge political pressure on all of us here, not only from within our United Kingdom but from outside. Does he agree that the best way to preserve our

great United Kingdom is for everyone to get back around the table and to govern Northern Ireland from Stormont?

Chris Heaton-Harris: I thank my right hon. and learned Friend for his question and welcome his election as Chair of the Northern Ireland Affairs Committee, probably more than some other Members will—I look to a certain Member on the Benches opposite. He is absolutely right in what he says; there is no way this Government want to go down the route of direct rule, which would need primary legislation. We do not want to go down the route of joint authority either and we will not do so. We need to find an appropriate form to allow the Executive to reform, which is what we are working unbelievably hard on with our colleagues in Northern Ireland.

Shailesh Vara (North West Cambridgeshire) (Con): Does my right hon. Friend agree that it is deeply regrettable that the Taoiseach, Leo Varadkar, is pandering to his domestic audience, rather than thinking of the greater good of Northern Ireland and the victims of the troubles?

Chris Heaton-Harris: My right hon. Friend makes a very fair point, because in the midst of everything we are trying to do to get the Executive back up and running, the Republic of Ireland's decision to take an inter-state case out against the UK Government on our Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, which is designed to bring justice and information recovery to victims of the troubles, is unhelpful and unfortunate. We have made our representations very plain on that matter.

Mr Speaker: I call the shadow Secretary of State.

Hilary Benn (Leeds Central) (Lab): Now that the talks have concluded, with the House having voted overwhelmingly to support the Windsor framework back in March, Labour Members stand by our commitment to implement it if we were to be in government, and we support the efforts the Government are making to restore the institutions. Furthermore, it is worth pointing out that there would be no prospect of negotiating with the European Union further arrangements of benefit to Northern Ireland if the UK were to renege, again, on an international agreement it has signed. Will the Secretary of State confirm that if the Executive are not restored by tomorrow evening, he will need to bring forward legislation to postpone the elections?

Chris Heaton-Harris: I thank the right hon. Gentleman for his question and for his affirmation of the work done on the Windsor framework. Obviously, I will be doing everything I can to ensure that it is not a Labour Government who come in to do any of this in the future. However, he is right to say that as of midnight on Thursday—tomorrow night—I will need to bring in primary legislation, because a duty falls on me to call an election for the Northern Ireland Assembly. I have a number of weeks—I believe it is 12—in which to do that, and I intend to bring in legislation on these matters next week.

Hilary Benn: I am grateful for that clarification. The absence of the Executive and the failure to sort out the urgent question of public sector pay is going to result in the biggest strike in Northern Ireland for many years

tomorrow. Some workers have not had a pay rise for almost three years—that is not sustainable. As we await the restoration of the institutions, the party leaders and indeed the head of the civil service in Northern Ireland have all called on the Secretary of State to release the money for pay, which he has said is available. Will he now do so, so that public sector workers in Northern Ireland can get the pay increase they deserve?

Chris Heaton-Harris: I am acutely aware of the industrial action scheduled for tomorrow and the detrimental impact it will have on public services. I hear the call from the right hon. Gentleman and others to step in, but let me put this into a slightly different context. Public sector pay is devolved to Northern Ireland, and he will know that, as I mentioned earlier, this Parliament set the budget for Northern Ireland this year, with primary legislation. He will also know that decisions on matters such as this are obviously ones that locally elected Ministers should take, as they involve big and fundamental choices; every penny spent on pay is a penny not spent on services. Choices on this are therefore eminently political—indeed, they are as close as we would get to the choices made in the period of direct rule. Direct rule is absolutely not the way forward; these decisions are for the Executive, and a restored Executive have a generous financial package available to them to do exactly as the right hon. Gentleman wishes.

Gavin Robinson (Belfast East) (DUP): The Secretary of State will know that Northern Ireland can benefit from power sharing arrangements only when those institutions enjoy the support and confidence of both the nationalist and Unionist communities. I think I have previously heard him accept that the Northern Ireland protocol does not enjoy the support of any Unionist in Northern Ireland. Despite references to talks having concluded in December, the Secretary of State helpfully indicated on Monday this week that further progress had been made. Does he accept that the restoration of institutions will be secured only when that confidence within the Unionist community is put where it needs to be?

Chris Heaton-Harris: I thank the hon. Gentleman for his question and for the many, many hours of work that he personally has put into the talks we have been having. They are detailed talks and it is a complex situation. I have said before, because it is absolutely obvious, that the Unionists in Northern Ireland are deeply unhappy with the existing Northern Ireland protocol. I believe we have made excellent progress. I hope that in the coming days and weeks, we can get to a point where his party can come to a conclusion on those talks that leads us to reform the Executive, because I know that he is a democrat and wants it reformed.

Gavin Robinson: I appreciate the Secretary of State's remarks. He will have heard the concerns around the general strike, which will be called tomorrow. He will know that his Government dismissed our calls when we said that there simply was not sufficient money. He knows we had to battle for sufficient money and that in the run-up to Christmas he personally secured the availability of that money. The release of the funds is called for by the DUP, every political party in Northern Ireland, the head of the Northern Ireland civil service and, this morning, 50 chief executives of public sector

agencies across Northern Ireland. I do not believe there is a lack of will on the Secretary of State's part, but this is a choice—a political choice that the Government can make. Will the Secretary of State use today to encourage his Government colleagues, the Treasury and anyone else who believes that using public sector workers as blackmail or political pawns is beneficial in any way?

Chris Heaton-Harris: I thank the hon. Gentleman for his question and the way that he put it. As I mentioned earlier, public sector pay is devolved and is properly a matter for locally elected politicians who are best placed to take decisions in that space.

Flooding: Funding

2. **Rachael Maskell** (York Central) (Lab/Co-op): What progress he has made on allocating funding to help tackle the impact of flooding in Northern Ireland. [900949]

The Minister of State, Northern Ireland Office (Mr Steve Baker): In the absence of the Executive, this Government have made up to £15 million of support available for businesses and non-domestic properties through the reallocation of existing funding. It is for the Northern Ireland civil service and local councils to consider how to utilise the remaining funds to provide further support to businesses and non-domestic properties.

Rachael Maskell: Building resilience for the future is vital if this Government are to address the challenges around climate change. York's resilience measures cost over £100 million to protect my city this winter, but the estimated cost to businesses in Newry alone is £37 million as a result of the winter weather. When will the Minister bring forward a proper amount of money—not just £15 million, which may be a deposit—to ensure that Northern Ireland can build its resilience for the future?

Mr Baker: I will answer in a couple of ways. First, only just over £1 million of that £15 million has been drawn down, which is a sign that the amount is sufficient. Secondly, the Northern Ireland civil service has recently announced that up to £10 million has been made available to assist small and medium sized businesses, with up to £100,000 available per business. The experience of her constituents—I have the figures in front of me—shows that this Government are committed to our infrastructure being ready for the future. That is partly why we are so keen to see the Executive back, with a large package to help support the stabilisation and transformation of public services, so we can get the kind of investment she refers to.

Cost of Living

3. **Chris Stephens** (Glasgow South West) (SNP): What recent discussions he has had with the Administration in Northern Ireland on the effect of increases in the cost of living on people in Northern Ireland. [900950]

10. **Patricia Gibson** (North Ayrshire and Arran) (SNP): What recent discussions he has had with the Administration in Northern Ireland on the effect of increases in the cost of living on people in Northern Ireland. [900957]

12. **Kirsten Oswald** (East Renfrewshire) (SNP): What recent discussions he has had with the Administration in Northern Ireland on the effect of increases in the cost of living on people in Northern Ireland. [900959]

The Minister of State, Northern Ireland Office (Mr Steve Baker): The Government have taken decisive action to help tackle increases in the cost of living, including support for the most vulnerable households in Northern Ireland. We are targeting support this winter through a range of measures, including cost of living payments of £900. It remains vital that there is a functioning Executive in place that can deliver for the people of Northern Ireland, who deserve that stable Government taking the relevant decisions.

Chris Stephens: I want to return to the subject of public sector pay. Public sector workers in Northern Ireland have seen their real pay fall by more than 7% over the past year. Does that not demonstrate that the UK Government's response to the cost of living crisis is leaving Northern Ireland behind? I encourage the Minister to join the cross-party calls to ensure that public sector workers in Northern Ireland are fairly paid for their important work.

Mr Baker: I am grateful that the hon. Gentleman raises this matter again. He will have heard what my right hon. Friend the Secretary of State said. I wish to emphasise that the money that has been made available in what is a large package for stabilisation and transformation in Northern Ireland includes a sum of money to enable public sector pay to be settled, but that is a matter to be decided in Northern Ireland. That is why we continue to press the DUP and other parties with as much force as we can muster to restore the Assembly and the Executive to deal with that.

Patricia Gibson: Given that the UK is experiencing the biggest drop in living standards on record, with households bearing the brunt of higher energy costs and temperatures dropping dramatically this week across Northern Ireland and, indeed, Scotland, why have the UK Government left households out in the cold this winter?

Mr Baker: I do not accept that we have left households in the cold. Further cost of living support through the winter period for Northern Ireland households was announced in the autumn statement in 2022, with additional payments to households across the UK. Those on means-tested benefits are getting £900, those on disability benefits £150 and pensioner households £300. We are resolved to promote prosperity in Northern Ireland and we are seized of the reality that disposable incomes in Northern Ireland are particularly squeezed. That is why we have put in a range of measures to promote prosperity, which I hope to return to in later answers.

Kirsten Oswald: We have just heard the Minister say that incomes in Northern Ireland are particularly squeezed. In November, the typical monthly pay in Northern Ireland saw a month-on-month fall of 1.8%. By contrast, typical wages in the UK showed a 1.2% month-on-month increase. That means that earnings in Northern Ireland sat 11% below UK earnings—the biggest difference on record. What steps are being taken now, in the absence of a functioning Stormont, to offer some kind of sustainable pay deal in Northern Ireland for public sector workers?

Mr Baker: Mr Speaker, I could give a lengthy answer to the hon. Lady's question, which would try your patience, so I will just return to her final question on what is being done for public sector workers. We are absolutely seized, as we have said previously, of the need to ensure that public sector workers have a pay rise. That is why a very substantial sum is in the package on the table for the parties. None the less, we are absolutely clear that, on this issue, as across a wide field of others about which I am sure we will hear in the course of these questions, Northern Ireland needs devolved Government to take the relevant decisions in Northern Ireland, and on that there is consensus across the House.

Theresa Villiers (Chipping Barnet) (Con): The Government's package to support people with the cost of living amounts to about £94 billion over two years. It is one of the most comprehensive in Europe. Can my right hon. Friend assure the House that people in Northern Ireland, as an integral part of our United Kingdom, have had full access to those cost of living support measures?

Mr Baker: My right hon. Friend is absolutely right. The extent of Government support for Northern Ireland households was unprecedented. It included the energy price guarantee on electricity and gas bills; £600 in payments comprising £400 for energy bill support scheme payments, plus £200 to recognise the widespread use of home heating oil; and targeted support for the most vulnerable households, some of which I have already touched on. She is right that we are determined to ensure that Northern Ireland feels the benefits of being in the Union of this United Kingdom.

Mr Speaker: I call the shadow Minister.

Fleur Anderson (Putney) (Lab): I recently met the Melted Parents campaign group in Belfast. It speaks for so many parents across Northern Ireland, where the cost of living crisis is far harder for families because there is no funding for a free childcare scheme, or the 15 or 30 hours of pre-school, just eye-watering and unaffordable Bills. But there is a cross-party childcare strategy proposal. Will the Minister say for all the employers and parents watching, if there is a new temporary Budget for Northern Ireland, whether it will include childcare funding provision?

Mr Baker: I am grateful to the hon. Lady for raising this issue. It is of the highest importance in Northern Ireland, and it is impressed upon me frequently. The Budget will be debated in this House, of course, and I am confident that we will return to it. As we have said before, this is one of those issues that underscores the importance of the Executive returning, and I am grateful that we agree on that point. She is absolutely right to raise the issue.

Mr Speaker: I call Martin Docherty-Hughes. *[Interruption.]*

Troubles Permanent Disablement Payment Scheme

4. **Martin Docherty-Hughes** (West Dunbartonshire) (SNP): What recent discussions he has had with the Administration in Northern Ireland on ensuring timely payments from the troubles permanent disablement payment scheme to eligible individuals. [900951]

The Secretary of State for Northern Ireland (Chris Heaton-Harris): Like the hon. Member, I too am quite surprised that he is that popular. *[Interruption.]* I am sorry; I misread the room again.

The troubles permanent disablement payment scheme is a devolved matter delivered by the Victims' Payments Board. I met Judge McAlinden, the president of the board, last week to discuss those matters.

Martin Docherty-Hughes: According to recent evidence presented to the Northern Ireland Affairs Committee—this is actually very serious; it is not a joke, so maybe Members would like to listen—it could take more than 10 years to process the applications for the troubles victims' compensation scheme, meaning that victims in Northern Ireland who have waited decades for compensation to be delivered will need to wait even longer. Can the Secretary of State advise not only the House but those awaiting payment what his Government are doing to deliver that compensation scheme?

Chris Heaton-Harris: As I said, having met Judge McAlinden, I am conducting a review of the operation of the scheme, which will report before August this year. The review is under way, and I very much hope that it will address all those matters so that those who qualify for the payments get them in a much more expedited way.

Mr Speaker: I call SNP spokesperson.

Richard Thomson (Gordon) (SNP): Given the length of time it takes in many cases to gather the supporting evidence to make a claim under the scheme, the pressures on the payments board itself, and the strong likelihood that many of those who are potentially eligible are yet to apply, it is clear that there is a risk that many who could be eligible for a payment might miss out as things stand. One way the Secretary of State could mitigate that is by extending the period allowed for claims to be made and processed. As part of the review, will he consider extending that deadline?

Chris Heaton-Harris: Yes, that is actually part of the review and one of the questions we are looking at.

The Union

6. **Simon Baynes** (Clwyd South) (Con): What steps he is taking with Cabinet colleagues to strengthen Northern Ireland's place in the Union. [900953]

The Secretary of State for Northern Ireland (Chris Heaton-Harris): I thank my hon. Friend for his question. I wish to reassure him that the UK Government are fully committed to protecting and upholding Northern Ireland's place in the Union. I regularly discuss matters of the Union, and the importance of Northern Ireland within it, with Cabinet colleagues and frequently meet the Secretaries of State for Wales and for Scotland.

Simon Baynes: Would my right hon. Friend agree that the Union is now stronger than ever, particularly with the decline of the SNP, and that its vital importance can be seen not only in Northern Ireland but in border constituencies such as mine, Clwyd South, particularly in shared services across the border with neighbouring

North Shropshire, such as the Gobowen to Wrexham line, the A5/A483 and the Chirk-St Martin's GP partnership?

Chris Heaton-Harris: As we can see, all politics is local, and I congratulate my hon. Friend on the success of shared cross-border services in his constituency; he is absolutely right. I know he is a great champion of connectivity across the United Kingdom, and I am sure that his constituents appreciate his efforts on those matters.

Sammy Wilson (East Antrim) (DUP): Every devious, deceitful and dishonest tactic is being used to try to bribe, bully and beat Unionists into accepting the Windsor framework and the Northern Ireland protocol, despite the impact it has on our citizenship and on the Union. It seems that the latest recruit is the Chairman of the Northern Ireland Affairs Committee, the right hon. and learned Member for South Swindon (Sir Robert Buckland), who only this week told the BBC that Unionists should get back to Stormont, because constitutional issues are the responsibility of the EU and the Irish Government, in any settlement, would have a say in the future of Northern Ireland. Can the Secretary of State confirm that this Conservative and Unionist Government have not handed constitutional control of Northern Ireland to the EU and that the Chairman of the Northern Ireland Affairs Committee has either become an over-zealous advocate of the scare tactics or is talking through his hat?

Mr Speaker: I see you are as brief as ever.

Chris Heaton-Harris: Mr Speaker—[*Interruption.*] Based on that cheer, the Select Committee Chair has a lot of work to do to increase his popularity in this House. As ever, the right hon. Gentleman asks a question in his characteristic shrinking violet way. I completely disagree with what he says about my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland). We need to get a deal done now. The people of Northern Ireland want to get a deal done. It is time for a deal to be done. Let us get the Executive back up and running.

Mr Speaker: Before we come to Prime Minister's questions, I am pleased to inform the House that, since last week, we have been providing British Sign Language coverage on all questions and statements as a matter of course. This is available directly on parliamentlive.tv, and it is also available to broadcasters and media outlets who may be interested in taking up the live feed. I am delighted that the House service has been able to deliver this significant improvement in the accessibility of our proceedings.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [900998] **Jason McCartney** (Colne Valley) (Con): If he will list his official engagements for Wednesday 17 January.

The Prime Minister (Rishi Sunak): This morning I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Jason McCartney: According to the Alzheimer's Society, nearly 5,000 people are currently living with dementia in my Colne Valley constituency, of whom 3,153 have had a formal diagnosis. That figure went up by one this week with my dad's diagnosis—my dad is my constituent. Will my right hon. Friend pledge to make dementia a priority by driving up diagnosis rates, bolstering dementia research, investing in social care, and improving access to the most innovative diagnostic methods and to new, life-changing treatments?

The Prime Minister: I send my warmest wishes to my hon. Friend and his father and family. I recognise that a dementia diagnosis can bring worry, both for the person who is diagnosed and for their wider family. He is absolutely right about the timely diagnosis of dementia; it is vital to ensure that those affected can access the care and support they need. NHS England is carrying out a pilot to ensure that we can improve dementia diagnosis in care homes, and our major conditions strategy includes a focus on dementia. Crucially, as he says, we are now doubling the funding for dementia research so that we can help everyone, including his father.

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

Keir Starmer (Holborn and St Pancras) (Lab): I send my best wishes to the hon. Member for Colne Valley (Jason McCartney) and his father, and to all those suffering in that way.

I cannot let today pass without saying how saddened I was by the tragic death of Bronson Battersby, aged just two, who died in heartbreaking circumstances in Skegness. I know that the House will join me in sending our deepest sympathies to his family.

The Government have been forced to admit that they have lost contact with 85% of the 5,000 people earmarked for removal to Rwanda. Has the Prime Minister found them yet?

The Prime Minister: What I can tell the right hon. and learned Gentleman is that, in spite of him seeking to block every single attempt that we have made, we have now managed, because of our actions, to reduce the number of people coming here by over a third last year, to remove more than 20,000 people from this country back to their home countries, to carry out 70% more illegal immigration enforcement raids, to arrest hundreds of people, to close down thousands of bank accounts and to process more than 100,000 cases—the biggest number in more than 20 years. That is because, on the Conservative side of the House, we want to stop the boats. We have a plan and it is working. With him, we would just go back to square one.

Keir Starmer: My first thought is, "How do you actually lose 4,250 people?" Then I remember that this is the Government who scrapped High Speed 2, but the costs are still rising by billions; this is the Government who spent £400 million of taxpayers' money on a Rwanda scheme, yet cannot deport a single person; and this is the Government who waged a week-long war on the Greek Prime Minister for reasons known only to themselves—and suddenly I remember that of course this farce of a Government could lose the people they were planning to remove. The Prime Minister did not

answer the question, so I will ask him again: where are the 4,250 people the Government have lost? Where are they?

The Prime Minister: As I said, we have actually identified and removed over 20,000 people from this country back to where they belong. The right hon. and learned Gentleman asks these questions about the Rwanda scheme, but it is important that we get it up and running, because it is important, as the National Crime Agency says, that we have a working deterrent in order to resolve this issue. That is how Australia solved the problem, and that is how Albania has worked for us. He asks these questions about the detail of those things, but we all know that he does not actually care about solving the problem. We know that because the BBC quizzed him, asking:

“If...the numbers crossing the Channel on small boats decline—i.e. so it’s working—would you still reverse it?”

The Labour leader said, “Yes.” It is crystal clear that he does not have a plan and it will be back to square one.

Keir Starmer: Spending £400 million on not getting anybody to Rwanda while losing 4,000 people is not a plan; it is a farce. Only this Government could waste hundreds of millions of pounds on a removals policy that does not remove anyone. Only this Government could claim that they will get flights off the ground only to discover that they cannot find a plane. Only this Government could sign a removals deal with Rwanda only to end up taking people from Rwanda to here. The Prime Minister still has not answered the question, so I will try again. What progress has he made in locating the 4,250 people his Government have apparently lost? He has dodged it three times. Where are they?

The Prime Minister: It is the same thing again and again. Here we are, talking about what we are doing, and I am happy to go over it. What are we doing? We have increased the number of illegal immigration enforcement raids by 70%, leading to thousands of arrests, using powers that the right hon. and learned Gentleman sought to block in this House. We have closed down thousands of bank accounts of illegal workers—again, using powers that he sought to block—*[Interruption.]*

Mr Speaker: Order. Mr Ashworth, do you want that early cup of tea or will you be silent?

The Prime Minister: As I said, we have worked through a record number of cases and returned a record number of people back to where they came from. All that is a plan that is working, and we can see that it is working because the number of people coming to this country is down by over a third. Again, it is a bit rich to hear the right hon. and learned Gentleman pretending here that he cares about how we actually stop the boats when he has been crystal clear in saying that even if the plan to reduce the numbers is working, he would still scrap it. That is because he has no values, no conviction and no plan. It is back to square one.

Hon. Members: More!

Mr Speaker: Order. No.

Keir Starmer: The Prime Minister does not have a clue where they are, has he? I can tell you one place they are not, and that is Rwanda—the only people he has sent to Rwanda are Cabinet Ministers. For all the words, the ridiculous thing is that we know the Prime Minister himself does not even believe in this Rwanda gimmick. He had to be talked out of scrapping the whole thing. He did not want to fund it; he did not think it would work. When he sees his party tearing itself apart—hundreds of bald men scrapping over a single broken comb—does he not wish that he had had the courage to stick to his guns?

The Prime Minister: I have absolute conviction that the plan we have put in place will work, because I believe it is important that we grip this problem. The right hon. and learned Gentleman spends a lot of his time in this House talking about his time as a lawyer, and I would urge him to listen to lawyers, because Lord Wolfson has said that our Bill severely limits the grounds for removal. Four eminent King’s counsels have said that it is undoubtedly the most robust piece of immigration legislation this Parliament has seen, and—*[Interruption.]*

Mr Speaker: Order. I want to hear what the Prime Minister has to say, because it matters to my constituents; those who feel that it does not matter to theirs should please leave.

The Prime Minister: As I said, Mr Speaker, four eminent KCs have said that this is undoubtedly the most robust legislation this Parliament has seen, and a former Supreme Court justice has been clear that the Bill would work. But I know that the right hon. and learned Gentleman has always been more interested in what leftie lawyers have to say. I even have in my hands the textbook that he authored for them—it is called “European Human Rights Law” by Keir Starmer, so—*[Interruption.]*

Mr Speaker: Prime Minister, when I stand up, please sit down. Can I just say that we do not use props in this House? If you need reminding, I will certainly ensure that I do so.

Keir Starmer: It is such utterly pathetic nonsense. The Prime Minister has been brutally exposed by his own MPs yet again. He has one party chair who says that she hopes the Lords will rip his Rwanda deal to pieces, and two more who had to quit because they do not think it will work—all of them appointed by him, all now in open revolt against his policy, each other, and reality. Is it any wonder that they all think this gimmick is doomed to failure when the Prime Minister himself does not believe in it?

The Prime Minister: It is rich to hear from the right hon. and learned Gentleman about belief in something. It will be news to him that it is actually the case that you can believe in something and stick to that position on this side of the House. *[Interruption.]*

Mr Speaker: Can I just say to Members on the Government side that this is very important? It is an important day. People want to know what is going on, so I want my constituents, just like yours, to hear what the Prime Minister has to say.

The Prime Minister: Just this week we had another example of the right hon. and learned Gentleman doing one thing and saying another. This week he backed the Home Secretary in banning the terrorist group Hizb ut-Tahrir, despite him personally using the European Court of Human Rights to try to stop them being banned. You do not have to take my word for it; the extremists' own press release said, and I quote, "the Hizb ut-Tahrir legal team, led by Keir Starmer". I know that he does not like talking about them because they have been a client, but when I see a group chanting "jihad" on our streets, I ban them; he invoices them. *[Interruption.]*

Mr Speaker: There are eight questions that I think some Members might want to hear answered. I tell you what: some who wanted questions have already gone off the list.

Keir Starmer: If the Prime Minister stuck to his position, he would be voting with us. His former Home Secretary says that the plan will not work, his current Home Secretary calls it "batshit", his former immigration Minister does not back his plan, and even the Prime Minister himself does not believe in it. Last week, another of his MPs said that the Tories should admit that things have got "worse" since they came to office, that after 14 years they have left Britain "less united", and that the country is a "sadder" place. If the Prime Minister cannot even persuade his own MPs that it is worth supporting him, and if he himself does not even believe in his own policies, why on earth should anyone else think differently?

The Prime Minister: Another week when it is crystal clear that the right hon. and learned Gentleman does not believe in anything, and he does not have a plan. While he talks the country down, let me update him on what has actually been happening in the past week—inflation more than halved from 11% to 4%, and real wages rising for the fifth month in a row. Last week, rates started falling, and millions of people benefited from a tax cut worth £450. So while he takes us back to square one with a £28 billion tax grab, let us stick with the plan that is delivering a brighter future for Britain.

Q7. [901004] Dame Maria Miller (Basingstoke) (Con): It is against the law to silence victims of crime, but that is exactly what the Post Office did through the use of non-disclosure agreements, and this is just the most recent case of NDAs covering up mismanagement, misconduct and even crimes at work. Will my right hon. Friend the Prime Minister consider banning their use in all severance agreements once and for all?

The Prime Minister: My right hon. Friend is right to raise an important point. The ability to speak out about things is key to unlocking justice. While NDAs can have a place—and my right hon. Friend is right to say that they should not be used to stop victims of crime in particular getting the justice they deserve—I can tell her that the Ministry of Justice is carefully considering how best to address this issue, including the use of legislation, and I know that my right hon. and learned Friend the Justice Secretary will keep the House updated on further progress.

Mr Speaker: I call the SNP leader.

Stephen Flynn (Aberdeen South) (SNP): When people woke up today in homes that they cannot afford to heat, with mortgages that they are struggling to pay, to news that inflation is once again on the rise, they will have looked to Westminster for answers, and instead they find a UK Government who are tearing themselves apart over how quickly they can send vulnerable people on a plane to Rwanda. Surely the Prime Minister must understand that the anger that some of his own Back Benchers have towards him is no comparison to the anger that the public have towards his party.

The Prime Minister: If the hon. Gentleman did care about supporting working families to pay their bills and to pay their mortgage, why on earth is the SNP making Scotland the highest taxed part of the United Kingdom, where the average—not the wealthiest, but the average—worker in Scotland is now paying more tax than they do in England.

Stephen Flynn: Of course, when it comes to the Rwanda Bill the reality is that, if you want to stop the smuggler gangs, you should introduce safe and legal routes, but instead the Prime Minister is seeking to weaponise some of the most vulnerable people in society. It is straight out of the cruel and callous right-wing extremist playbook. His time in office is fast approaching its conclusion. Does he seriously want this to be his legacy?

The Prime Minister: As I said, it is important that we stop the boats because illegal migration is simply not fair. It is not right that some people jump the queue and take away our resources from those who need our help most—and, by the way they are exploited by gangs and many of them lose their lives making these dangerous crossings—so I completely disagree with the hon. Gentleman. The fair and compassionate thing to do is to break these criminal gangs, and that is why we are going to stop the boats.

Q9. [901006] Dean Russell (Watford) (Con): Unexpectedly, five months ago, I had a heart attack. Thanks to the swift action of the NHS emergency services, it was caught early. So one stent operation later, I was on a swift path to rehabilitation and recovery, and I am sat here today fighting fit and a bit lighter, too. So along with encouraging everyone to visit the British Heart Foundation website to understand the early warning signs and get fantastic resources to help them, would the Prime Minister also join me in personally thanking everyone who helped to save my life and helped me recover, including the East of England Ambulance Service, the teams at Watford General Hospital and Harefield Hospital, the cardiac rehabilitation teams and everyone who supported me, especially my family and my team, some of whom are in the Gallery today, who help to ensure that I continue to deliver for the great people of Watford?

The Prime Minister: I thank my hon. Friend for sharing his story, and I know the whole House will be delighted to hear that he has made a swift recovery. We all wish him good health for the future, as he resumes his excellent campaigning on behalf of his constituents in Watford. I also join him in thanking our fantastic

NHS staff for the life-saving work that they do up and down the country. We are backing them with record resources—from our doctors to our ambulance service—and we are all in this House truly grateful for what they do.

Caroline Lucas (Brighton, Pavilion) (Green): Mr Speaker,

“Until the UK Government calls for an immediate ceasefire, it is complicit in the horrors...in Gaza.”

Those are not my words but those of the head of Oxfam who, like every single agency trying to operate on the ground, is clear that aid cannot be effectively delivered while fighting continues. More UK aid is of course welcome but even when it does get through, it can result in what one Palestinian aid worker calls

“bombing us on full stomachs.”

Some 24,000 people have already been killed so what will it take for the Prime Minister to back a permanent bilateral ceasefire?

The Prime Minister: Of course we want to see a peaceful resolution to this conflict as soon as possible. A sustainable permanent ceasefire with an end to the destruction, fighting and loss of life, the release of hostages and no resumption of hostilities would of course be the best way forward, but in order to achieve that a number of things need to happen: Hamas would have to agree to release all the hostages; Hamas would have to no longer be in charge of Gaza; the threat of more rocket attacks from Hamas into Israel would have to end; and the Palestinian Authority, boosted with assistance, would need to return to Gaza in order to provide governance and aid. That is a sustainable ceasefire that we will work very hard to bring about.

Q11. [901008] **Nick Fletcher** (Don Valley) (Con): Today I was unsure whether to raise a national issue such as the desperate need for a Minister for men or a local issue such as Doncaster's need for a new hospital or Edlington's for a new leisure centre, but I thought the best thing I could do was ask the Prime Minister to come and have a tour of Doncaster, and while I am showing him around my home town I can press the need for a Minister for men, I can show him the site for a new hospital, and I can introduce him to the people of Edlington so that he can discuss their new leisure centre. Will the Prime Minister accept my invitation?

The Prime Minister: Thanks to my hon. Friend's fantastic campaigning on behalf of his constituents, City of Doncaster Council has received more than £80 million in levelling-up funding to support its regeneration projects and most recently Doncaster has been awarded £20 million in our long-term plan for towns over the next 10 years, which I know he is working very hard to make sure is prioritised for local people. I will be delighted to discuss both projects and his other ideas when I come and visit him as soon as my diary allows.

Q2. [900999] **Julie Elliott** (Sunderland Central) (Lab): Some 71% of requests for funding from the community ownership fund aimed at saving libraries, pubs and village halls have been rejected since 2021. It pits communities against each other and does nothing to address the underlying causes that have led to the loss of

these much-loved assets. When will the Government offer more than a simple sticking-plaster for our towns, high streets and communities?

The Prime Minister: I set up the community ownership fund when I was Chancellor and it is doing fantastic work funding hundreds of projects across the country, including, I believe, one in the hon. Lady's constituency—the back on the map scheme. It is there to support local communities, take over assets—whether pubs, village halls or other community assets—and is doing a fantastic job. It is right that there is a competitive process because we want to make sure the money is deployed in the areas where it can make the most difference.

Q14. [901011] **Greg Smith** (Buckingham) (Con): Overcrowding on Chiltern Railways has become a daily misery for commuters from stations including Haddenham and Thame Parkway and Princes Risborough in my constituency, the root cause of which is an ageing fleet constantly breaking down and shorter trains having to be run. There are proposals on the table for both short-term additional capacity and long-term fleet renewal. Will my right hon. Friend instruct the Department for Transport to fast-track those proposals so we can end overcrowding on Chiltern?

The Prime Minister: I agree with my hon. Friend that the performance on Chiltern has not been good enough in recent times. I know that Chiltern has recently begun engagement with the rolling-stock leasing market, which will help reduce overcrowding, but also, together with DfT, it is looking at providing additional capacity at peak times. I know that the rail Minister my hon. Friend the Member for Bexhill and Battle (Huw Merriman) will ensure that these plans continue to progress and keep my hon. Friend the Member for Buckingham (Greg Smith) updated.

Q3. [901000] **Patrick Grady** (Glasgow North) (SNP): What exactly is it about the prospect of deportation to Rwanda that make the Government think it will be such a deterrent to asylum seekers? Do they think that life in Rwanda is somehow less comfortable, secure and safe than here in the United Kingdom? What do the Government think is wrong with Rwanda that means asylum seekers will not want to live there?

The Prime Minister: It is not that there is anything wrong with it; it is just that it is not the United Kingdom. And I have to point out to the hon. Gentleman that deterrence works: we know that it works because our scheme with Albania has ensured a 90% reduction in arrivals from that country.

Dr Thérèse Coffey (Suffolk Coastal) (Con): I know that my right hon. Friend the Prime Minister is committed to energy security and the development of renewables, as am I, and that is why Sizewell C started a development consent order this week. However, there are plenty of other developments happening on greenfield sites, where National Grid plans to use compulsory purchase orders to plough up farming fields used for food and tree production when brownfield sites are available that are connected to the network. National Grid is refusing to publish its study on Bradwell and why they deem it not

suitable for the connection of offshore wind farms and interconnectors. Will he meet me and other East Anglian MPs to discuss this matter and use the powers of his office to get that study published?

The Prime Minister: As my right hon. Friend will know, planning applications for new infrastructure are managed independently, so I cannot comment on specific cases, but I agree with her that it is important to listen to the views of local communities, such as those she represents across Suffolk and East Anglia. I know that the Under-Secretary of State for Energy Security and Net Zero, my hon. Friend the Member for West Aberdeenshire and Kincardine (Andrew Bowie) was visiting her area recently to mark the commencement of the project at Sizewell C, and I can assure her that relevant Ministers will continue to pay close attention to her concerns.

Q4. [901001] Chris Stephens (Glasgow South West) (SNP): The Leader of the House last week correctly described the contaminated blood scandal as “on another level” compared with other scandals. Sir Brian Langstaff has announced today the publication of the final report of the infected blood inquiry, and he reminds us:

“My principal recommendation remains that a compensation scheme should be set up with urgency. No-one should be in any doubt about the serious nature of the failings over more than six decades that have led to catastrophic loss of life and compounded suffering.”

More than 100 parliamentarians wrote to the Prime Minister this week, so can he tell us when those affected will be paid compensation for their loss?

The Prime Minister: I am acutely aware of the strength of feeling on this issue and the suffering of all those impacted by this dreadful scandal. I gave evidence to the inquiry last year, and as I said then, I recognise the suffering that thousands have experienced over decades. The hon. Gentleman will know that the Minister for the Cabinet Office, my right hon. Friend the Member for Salisbury (John Glen) updated Parliament on this matter towards the end of last year. The hon. Gentleman will know that it is a highly complex issue. Interim payments have been made in some cases, and we are absolutely committed to responding to the final report as quickly as possible following its publication.

Sir Robert Neill (Bromley and Chislehurst) (Con): Last week, Conservative-controlled Bromley Council’s children’s services were rated outstanding by Ofsted in all four areas of inspection. That is only the third time that has happened under the current framework. Will the Prime Minister join me in congratulating the officers and members of Bromley Council and perhaps even visit Bromley and see our new cost-saving civic centre?

The Prime Minister: It is perhaps not quite on my way to Doncaster, but I will bear it in mind. I join my hon. Friend in paying tribute to Bromley Council and all the officers involved in providing an incredibly important service in their local community and looking after some of the most vulnerable children in our society. They all deserve our thanks and praise for their brilliant efforts.

Q5. [901002] Dr Rupa Huq (Ealing Central and Acton) (Lab): HS2 promised to transform intercity travel and my seat, where Old Oak Common will one day be. However, after Leeds and Manchester were ditched, the London end of HS2 is now in doubt. Can the Prime Minister commit today to ensuring that it at least reaches Euston, or is he intent on stopping all transport forms, except perhaps private jets?

The Prime Minister: The Leader of the Opposition may have something to say about forms of transportation, and perhaps about HS2 as well—I still have not heard his position on the subject. Old Oak Common is destined to be one of the foremost stations in the country because of the extra connectivity it will have across London and as the initial terminus for HS2 trains. As we said at the announcement, we are working with the private sector, as we have in other developments in London, to raise private money, save the taxpayer money and deliver the connection to Euston as planned.

Sara Britcliffe (Hyndburn) (Con): I have just got back from the inaugural women’s health summit. During the summer, it was announced that specialist maternal mental health services will be available to women in every part of England by March. That is particularly pertinent to me, after one of my constituents, Jessica Cronshaw, passed away while pregnant with her baby Elsie after suffering severe pregnancy sickness, hyperemesis gravidarum. I thank the Government for following through with this important reform and pushing to keep going with the spirit of this reform so that our NHS is fit for women in the future.

The Prime Minister: I thank my hon. Friend for raising this matter. I know that the whole House will want to convey its sympathies to Jessica’s family. I am pleased that the reforms we are making will make a difference to women across the country in the future. We are committed to our women’s health strategy, and I am grateful for her support and, again, her advice and ideas so that we can ensure that it delivers the care that we want it to across the country.

Q6. [901003] Andrew Gwynne (Denton and Reddish) (Lab): Yesterday, the Conservative candidate for the Wellingborough by-election revealed that the Conservative party had offered her a deal to be the candidate if the previous Member—her partner—stood down without a fuss. Just last week, the Prime Minister said that

“Candidate selection is done locally”

in his party, so would he like to deny that this secret deal was offered?

The Prime Minister: As I said last week, in our party candidate selection is done locally.

James Gray (North Wiltshire) (Con): Does my right hon. Friend the Prime Minister agree that a remote rural hotel is the wrong place to house asylum seekers or refugees from their point of view? Will he therefore join me in thanking the Home Secretary for announcing yesterday that the Wiltshire Hotel outside Royal Wootton Bassett is to be returned to its proper purpose in April?

The Prime Minister: I thank my hon. Friend for the question. He is absolutely right: the use of hotels is unfair on local communities and costs taxpayers £8 million a day. Our plans to reduce the number of people coming have meant that we can close the first 50 hotels across the country, with more to follow. I thank the Home Secretary and his team for their efforts. But, fundamentally, the only way to resolve this once and for all is to implement our Rwanda scheme so that we can have a working deterrent. That is how we will stop the boats.

Q8. [901005] **Charlotte Nichols** (Warrington North) (Lab): I have been contacted by desperate constituents who have rung every single pharmacy within a 50-mile radius of Warrington and still have not been able to access their medication for attention deficit hyperactivity disorder. This has been going on for months, and it is not just a Warrington issue: pharmacists are calling it the worst shortage ever, with only 11% of people able to access their full dose this month. ADHD UK has called the Government's response "pathetic". It is right, isn't it?

The Prime Minister: I am sorry to hear about the situation in the hon. Lady's constituency. The Health Secretary heard what she said and is in touch with the relevant drug bodies to ensure that we can have the provision of ADHD medicine for all those who need it.

Tom Hunt (Ipswich) (Con): For about a decade, over 200 of my constituents in the Mill complex in Ipswich have been caught in the cruellest form of limbo. The building has deep structural problems and cladding problems. A few years ago, they got about £15 million in an out-of-court settlement to make a contribution towards cladding costs, but the freeholder, the National Asset Management Agency—an Irish financial entity set up after the Irish banking crisis—ran away with that money, putting my constituents back to square one with little to no hope. Will the Prime Minister talk to the Irish Taoiseach to raise this immoral case and meet me to discuss a way forward for my constituents, who I meet every week?

The Prime Minister: I am sorry to hear about my hon. Friend's case. I will ensure that the Government look into the details and get back to him in the shortest order about how we can support him and his constituents.

First Minister of Scotland

Q10. [901007] **Martin Docherty-Hughes** (West Dunbartonshire) (SNP): When he next plans to meet the First Minister of Scotland.

The Prime Minister: I have repeatedly expressed my commitment to joint working with the First Minister of Scotland to deliver for the people across the country.

Martin Docherty-Hughes: I am grateful for that answer. Although much attention has rightly been paid to the Post Office-Horizon scandal, there is another shocking example of Government and private sector collusion that began under the last Labour Administration and has continued under the Tories. Almost 200,000 mortgage prisoners who borrowed with high street lenders such as Northern Rock have become trapped after the portfolio

was sold off to foreign entities including Topaz Finance and Heliodor, who have been creaming off extortionate standard variable rates since 2008, leaving even those who kept up with payments in danger of having their homes repossessed. Some 200,000 aspirant homeowners have had their dream taken away from them. Will the Prime Minister, instead of playing catch-up as he is with the Post Office scandal, meet me and campaigners to discuss what more can be done for mortgage prisoners?

The Prime Minister: I am familiar with the situation for mortgage prisoners, and it was something that I worked on as Chancellor. The Treasury and the current Chancellor have been engaging with campaign groups and others to find ways to resolve it. It is not an easy situation to fix overnight, but things are being looked at as we speak.

Douglas Ross (Moray) (Con): Yesterday, the Scotch Whisky Association published a report on the economic impact of the sector not just in Scotland but across the whole UK. Some highlights included that in 2022, it generated £7.1 billion in gross value added, £2.1 billion was invested in capital projects between 2018 and 2022, and 41,000 jobs are supported by the sector in Scotland, including one in nine in my Moray constituency. Does the Prime Minister agree that supporting the Scotch whisky industry in the forthcoming spring Budget and beyond is a correct priority for this Government?

The Prime Minister: My hon. Friend is a superb ambassador for Moray and Scotch whisky. He is right that it is a hugely successful export industry that supports tens of thousands of skilled jobs across Scotland. I will not tread on the Chancellor's toes about future Budgets, but I am proud of this Government's track record of supporting the industry, having removed US tariffs on Scotch whisky, reduced tariffs in deals with countries like Morocco and Argentina and supported the sector's interests in our free trade agreements with Australia and New Zealand and, most recently, the comprehensive and progressive agreement for trans-Pacific partnership.

Engagements

Q12. [901009] **Peter Dowd** (Bootle) (Lab): The Prime Minister has been very keen to take credit for falling inflation in previous months. Will he now take responsibility for today's rise?

The Prime Minister: Inflation was over 11% when I got this job. Inflation today is 4%, in common with the US, France and Germany. All countries have seen a mild tick-up in December, but the crucial thing is that inflation has been more than halved and delivered ahead of schedule. That is an enormous benefit to families up and down the country—a benefit that would be reversed by the Labour party's plan to saddle them with £28 billion of tax rises.

Eddie Hughes (Walsall North) (Con): I am a keen parkrunner in Walsall, but I am also part of the core team of volunteers that recently brought parkrun to Tamworth. In the 20th anniversary year of parkrun, will the Prime Minister join me in encouraging other towns that do not yet have a parkrun to get one?

The Prime Minister: It is great to hear that my hon. Friend is an avid parkrunner. I thank him for volunteering so that the people of Tamworth can enjoy one, too. I completely agree with him—when I had more time, I was a regular at the Northallerton parkrun, and the junior parkrun, which I recommend to those with children. It is a fantastic and accessible way to get people moving. I join him in encouraging everyone to get involved in his local area and beyond.

Q13. [901010] **Daisy Cooper** (St Albans) (LD): At the last general election, residents in west Hertfordshire were promised a new hospital, but we are still waiting for the green light and are having to put up with broken lifts and overly crowded treatment wards. In other parts of the country, entire hospital buildings have had to be closed down, like the one in Stepping Hill in Stockport, because they are structurally unsafe. From broken promises on new hospitals to the backlog of repairs, people are sick and tired of waiting. Will the Prime Minister tell me, by the time of the next general election, how many broken hospitals will be fixed, and will my residents be able to point to a single spade in the ground?

The Prime Minister: We are investing record sums to deliver not just 40 new hospitals across the country but 90 different hospital upgrades. The hon. Lady will be familiar with the plans at West Hertfordshire trust to develop a new emergency and specialty care facility at Watford General, including women's and children's services. It will make an enormous difference to residents in the area.

Ian Levy (Blyth Valley) (Con): A recent BBC news article raised fears that Blyth could become a ghost town, as we see our shopping centre close, to be replaced by a new higher education facility. Residents are right to be concerned. I have personally seen decades of Labour

neglect and decline in our town. This Conservative Government have invested hundreds of millions of pounds to level up my constituency, with spades in the ground as I speak. Will my right hon. Friend assure me that the rebirth of our towns will continue as a key focus of this Conservative Government?

The Prime Minister: My hon. Friend is absolutely right and I commend him for being such a strong advocate for Blyth. Nearly half the recent towns fund has been distributed to northern regions in England to level up constituencies like his. That is the difference. As he said, after years, if not decades, of neglect under the Labour party, it is this Government who are levelling up across our country.

Q15. [901012] **Ian Mearns** (Gateshead) (Lab): In June 2022, to some fanfare, the Government announced the approval of £41 million for a package of works for the restoration of the Tyne Bridge, which is the route of the A167, the old A1, and connects Gateshead with Newcastle city centre. It is instantly recognisable around the world as an emblem of Tyneside. However, the funding is still awaiting sign-off within the Department for Transport and work cannot progress. Given the scale and complexity of the work required, and the significant additional cost implications if funding does not come forward, can we please have the money to get on with the work so that the bridge will be ready for its centenary celebrations in 2028?

The Prime Minister: I will ensure that the relevant Minister gets back to the hon. Gentleman with an update on the project. I am pleased that we are not just investing in that project in his area. Following on from the previous question, I know his area has received levelling-up funding worth £20 million to help transform the visitor economy in Gateshead—yet another example of the Government investing to level up across the north and across the country.

Point of Order

12.41 pm

Dame Diana Johnson (Kingston upon Hull North) (Lab): On a point of order, Mr Speaker. Further to the question asked by the hon. Member for Glasgow South West (Chris Stephens) and the announcement this morning by Sir Brian Langstaff that the infected blood inquiry report is now scheduled for publication in May, the hon. Member raised what Sir Brian said very clearly this morning. Sir Brian made the following recommendation in April 2023:

“My principal recommendation remains that a compensation scheme should be set up with urgency.”

The Prime Minister did not respond to what Sir Brian said this morning. I wondered, Mr Speaker, whether you had had any indication that there would be a statement from the Cabinet Office to set out what it will do about complying with the recommendations made by Sir Brian?

Mr Speaker: This is a very important issue and the right hon. Lady has campaigned all the way through to ensure that people recognise the suffering that has taken place and the tragedies in families. I am not responsible for the Prime Minister's answer and I have been given no notice that a statement is forthcoming. What I know, however, is that I can rest assured that the right hon. Lady will not stop at the question she has just asked, but will pursue it through other avenues to ensure that it is answered.

BILL PRESENTED

OUTDOOR EDUCATION BILL

Presentation and First Reading (Standing Order No. 57)

Tim Farron presented a Bill to require that every child be offered at least one outdoor education experience during primary school years and at least one such experience during secondary school years; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 21 June, and to be printed (Bill 147).

Clean Air (Human Rights)

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

12.43 pm

Caroline Lucas (Brighton, Pavilion) (Green): I beg to move,

That leave be given to bring in a Bill to establish the right to breathe clean air; to require the Secretary of State to achieve and maintain clean air in England; to involve the UK Health Security Agency in setting and reviewing pollutants and their limits; to enhance the powers, duties and functions of various agencies and authorities in relation to air pollution; to establish the Citizens' Commission for Clean Air with powers to institute or intervene in legal proceedings; to require the Secretary of State and the relevant national authorities to apply environmental principles in carrying out their duties under this Act and the clean air enactments; and for connected purposes.

In 2013, the life of nine-year-old Ella Roberta Adoo-Kissi-Debrah was tragically cut short when she suffered a fatal asthma attack. Ella lived close to the heavily congested south circular in Lewisham, and, following an inquest in 2020, became the first person to have air pollution listed on her death certificate, with the coroner, Philip Barlow, concluding that Ella:

“Died of asthma contributed to by exposure to excessive air pollution.”

Next week would have been Ella's 20th birthday, and I know that all our thoughts will be with her family at this time. I want to pay tribute to Ella's mum Rosamund, who is in the Public Gallery today, for her incredible campaigning on air pollution, and to express my personal thanks to her for allowing this Bill to be called “Ella's law” in memory of her daughter. It is an honour to be able to present it to the House today.

This Bill is needed because, to put it simply, the state of our filthy air is a public health emergency. Air pollution is associated with conditions such as asthma, heart disease and cancer, and has been shown to have an impact on our mental health too, leading to an increased risk of schizophrenia, depression and anxiety. Its impacts are not equally felt, however, with those on low incomes and from black and ethnic minority backgrounds far more likely to live in polluted areas. It is children's health that is affected most of all. A study published just last week by the University of Dundee revealed an increase in the number of under-16s admitted to hospital for respiratory problems following periods of high air pollution, while a 2019 study conducted by King's College London showed that living within 50 metres of a busy road could stunt children's lung growth by up to 14%. Let me put that in context: it is estimated that in London a third of the population—about 3 million people—live near a busy road.

It is therefore profoundly shocking, but perhaps not entirely surprising, that the UK has one of the highest rates of asthmatic children across Europe, with one in 11 young people living with asthma. It has been calculated that cleaner air could prevent up to 43,000 avoidable deaths in the UK each year, and it could save the public purse billions as well. Estimates of the public cost of air pollution total as much as £20 billion each year, including the cost of the impact on social care and on our crumbling NHS. It could not be more urgent for the Government to take action to clean up our air and protect lives, both now and in the future, could not be

more urgent, but, although their current approach is vastly insufficient, Ministers remain bullish in defending their efforts. Indeed, last year the Prime Minister himself told me:

“We are confident that the measures we are putting in place are not only legally binding but world leading in tackling air quality.”

He went on to say that the Environment Act 2021 provided

“the capability, accountability and ambition” needed

“to make all the effective interventions to drive down air pollution.” — [Official Report, 1 February 2023; Vol. 727, c. 338.]

The reality is, however, that the Environment Act did very little to help deliver clean air, and it is certainly not “world leading”. The environmental target that did get made under it—to reduce levels of PM_{2.5} to 10 micrograms per cubic metre—falls short of the new World Health Organisation guideline of 5 micrograms per cubic metre, and could certainly be achieved far earlier than the Government’s target date of 2040. Indeed, when Professor Frank Kelly of Imperial College London, an adviser to the World Health Organisation on health and pollution, recently gave evidence to the Environmental Audit Committee, he stated very clearly:

“Our studies showed that 99.8% of the UK could achieve a figure of 10 micrograms per metre cubed by 2030 and the 0.2% that could not were certain hotspots in London, which again if you took extra measures on you could probably eliminate those as well.”

Professor Sir Stephen Holgate from the University of Southampton, a special adviser on air quality to the Royal College of Physicians, subsequently wrote to the Committee to confirm that such a change would result in about 20 fewer infant deaths each year—20 fewer lives lost, and 20 families saved from unimaginable heartache.

Given that the Mayor of London has already committed himself to delivering on this more ambitious target, and given such significant benefits, it is incumbent on Ministers to explain why the current legal limit remains so unambitious. They must also set out, as a matter of urgency, how they will meet the new WHO guidelines, which have halved the limit for PM_{2.5} to 5 micrograms per cubic metre in response to the marked increase in evidence showing how air pollution affects different aspects of our health. In the words of the chief medical officer, Professor Chris Whitty,

“We can and should go further—and it is technically possible to do so.”

The Clean Air (Human Rights) Bill, or Ella’s law, would set out an entirely new approach to delivering clean air in England. It would enshrine the human right to clean air precisely and explicitly in English law, thereby transforming decision making by public authorities by requiring them to consider clean air alongside other rights under the Human Rights Act. It would be a step towards incorporating the 2022 resolution adopted by the UN General Assembly, which recognises the human right to a clean, healthy and sustainable environment. It

follows a “one air” approach that encompasses the health and environmental impacts of air pollution and greenhouse gases, and it would set standards based on advice from the Climate Change Committee and on the WHO’s new air quality guidelines and require the Secretary of State to achieve clean air within five years, with the possibility of postponement for up to a further five years per pollutant, subject to strict conditions. The Environment Agency and the Climate Change Committee would be required to review the pollutants and the limits annually and advise the Secretary of State if they needed tightening.

The Bill also covers air pollution, both outdoors and indoors, in public spaces, and where health and safety standards apply. The tragic death of two-year-old Awaab Ishak, brought on by “extensive” mould in his family’s flat, shone a spotlight on the significance of indoor air pollution. While I welcome the prompt action taken by the Secretary of State for Levelling Up in bringing forward Awaab’s law—a law that should now, frankly, also be applied to the private rented sector through the Renters (Reform) Bill—it is clear that legislation to address indoor air pollution must extend beyond the home too, especially since on average we spend around 80% of our lives indoors, whether for work, study or leisure. Finally, in order to ensure independent scrutiny and continuous improvement, the Bill would establish a citizens commission for clean air, which would review annually the Secretary of State’s compliance with the provisions of the Bill and advise the Secretary of State where improvement was needed.

This Bill has already undergone significant scrutiny in the other place, after my noble Friend and Green party peer, Baroness Jones of Moulsecoomb, topped the private Member’s Bill ballot in the previous parliamentary Session. It has already been extensively debated, amended and improved and it received cross-party support, including from Lord Randall of Uxbridge, a former environment adviser to the right hon. Member for Maidenhead (Mrs May) when she was Prime Minister. He said:

“We have waited too long for proper clean air legislation...I urge the Minister to take this back and say that it is a golden opportunity to do something really wonderful. The Government could take pride in being part of a world-beating Bill”. —[Official Report, House of Lords, 18 November 2022; Vol. 825, c. 1133.]

He was absolutely right. By taking up Ella’s law, the Government have a real opportunity to genuinely lead the world in tackling this pressing public health emergency, and I urge them to take it.

Question put and agreed to.

Ordered,

That Caroline Lucas, Mr Barry Sheerman, Layla Moran, Ian Byrne, Dan Carden and Munira Wilson present the Bill.

Caroline Lucas accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 14 June, and to be printed (Bill 145).

Safety of Rwanda (Asylum and Immigration) Bill

[2ND ALLOCATED DAY]

Further considered in Committee

[DAME ROSIE WINTERTON *in the Chair*]

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): I remind Members that in Committee they should not address the Chair as Deputy Speaker. Please use our names when addressing the Chair. Madam Chair, Chair, Madam Chairman or Mr Chairman are also acceptable.

Clause 3

DISAPPLICATION OF THE HUMAN RIGHTS ACT 1998

12.55 pm

Robert Jenrick (Newark) (Con): I beg to move amendment 11, page 3, line 21, after “Act” insert

“, and of the Illegal Migration Act 2023 insofar as they relate to the removal of persons to Rwanda”.

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disappplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

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

Amendment 12, page 3, line 22, after “disappplied” insert

“, in relation to both of those Acts in relation to the removal of a person to Rwanda”.

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disappplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Amendment 13, page 3, line 25, after “legislation),” insert—

“(ba) sections 4 (declaration of incompatibility) and 10 (power to take remedial action),”

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disappplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Amendment 14, page 3, line 27, leave out from “apply” to end of line 29 and insert

“in relation into provision made by or by virtue of this Act, the Illegal Migration Act 2023 and the Immigration Acts in relation to the removal of a person to Rwanda”.

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disappplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Amendment 15, page 3, line 30, at end insert

“, the Illegal Migration Act 2023 or the Immigration Acts”.

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disappplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Amendment 16, page 3, line 30, at end insert—

“(4A) Sections 4 and 10 do not apply in relation to provision made by or by virtue of this Act, the Illegal Migration Act 2023, or the Immigration Acts.”.

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disappplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Amendment 17, page 3, line 32, leave out paragraphs (a) to (c) and insert

“provision made in relation to the removal or proposed removal to Rwanda by or by virtue of this Act or the Illegal Migration Act 2023.”.

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disappplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Amendment 18, page 4, line 6, at end insert—

“(5A) This section applies only in relation to the removal or proposed removal of a person to Rwanda under this Act or the Illegal Migration Act 2023.”.

This and other amendments to Clause 3 are intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disappplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA. The Immigration Acts are listed in section 61(4) of the UK Borders Act 2007, as amended.

Clause 3 stand part.

Amendment 7, in clause 5, page 5, line 12, leave out subsection (2).

This amendment would omit the provision that only a Minister of the Crown can decide whether the United Kingdom will comply with interim measures of the European Court of Human Rights.

Amendment 23, page 5, line 13, leave out subsection (2) and insert—

“(2A) The interim measure is not binding on the United Kingdom, and will have no effect on any provision made by or by virtue of this Act or the Illegal Migration Act 2023, and shall not prevent or delay the removal of a person to Rwanda under this Act or the Illegal Migration Act 2023.”.

This ensures that the default position is that Rule 39 indications are not treated as binding on the United Kingdom and will not prevent removals to Rwanda, but to provide an optional discretion to Ministers.

Amendment 8, page 5, line 15, leave out subsection (3).

This amendment would remove the requirement that a court or tribunal must not have regard to the interim measure when considering any application or appeal which relates to a decision to remove the person to the Republic of Rwanda.

Amendment 51, page 5, line 15, leave out “not”.

This amendment would require court or tribunal to have regard to an interim measure of the European Court of Human Rights.

Amendment 24, page 5, line 19, leave out subsection (4) and insert—

“(4A) A Minister of the Crown, acting in person, may (but need not) determine that the duty to remove in section 2(1) of the Illegal Migration Act 2023 is not to apply in relation to a person to whom this section applies.”.

This amendment is linked to Amendment 23.

Amendment 52, page 5, line 22, leave out paragraph (b).

This amendment removes the definition in relation to Clause 5 of “Minister of the Crown” as a Minister of the Crown acting in person.

Amendment 38, page 5, line 23, after “person” insert “in consultation with the Attorney General.”.

Explanatory note: This amendment ensures a Minister of the Crown making a decision on compliance with an interim injunction consults with the Attorney General.

Amendment 9, page 5, line 23, at end insert—

“(5) The Government must, within three months of this Act receiving Royal Assent, lay before Parliament a copy of a report setting out how this clause is compatible with Section 7A of the European Withdrawal Act and the UK’s obligations to citizens under the Good Friday Agreement.

(6) Within three sitting days of a report being laid under subsection (5) the Government must move in each House an amendable motion that that House has considered and approved the report which has been laid.

(7) Subsections (2) and (3) do not come into force until such as time as both Houses have passed motions under subsection (6) approving reports laid under subsection (5).”.

Amendment 25, page 5, line 23, at the end insert—

“(5) Section 55 of the Illegal Migration Act 2023 is amended as follows.

(6) In subsection (6) —

- (a) omit “Where a Minister of the Crown does not make a determination under subsection (2)”, and
- (b) after “applies” insert “in relation to the removal or proposed removal of a person to Rwanda”.

(7) For subsection (9) substitute —

“(9A) Where a Minister of the Crown has not made a determination under subsection (2) in relation to the removal or proposed removal of a person to Rwanda, section 4(2) of the Safety of Rwanda (Asylum and Immigration) Act 2024 applies.”

(8) After subsection (10) insert—

“(11) Section 8(18) applies to any decisions made in connection with this section or section 5 of the Safety of Rwanda (Asylum and Immigration) Act 2024.”.”.

This amendment ensures that the default position is that Rule 39 indications are not treated as binding on the United Kingdom and will not prevent removals to Rwanda, but to provide an optional discretion to Ministers.

Clauses 5 and 6 stand part.

Amendment 58, in clause 7, page 6, leave out line 18 and insert—

““safe country”—

- (a) means a country to which persons may be removed from the United Kingdom in compliance with all of the United Kingdom’s obligations under international law, and
- (b) includes, in particular, a country—
 - (i) from which a person removed to that country will not be removed or sent to another country in contravention of any international law, and
 - (ii) in which any person who is seeking asylum or who has had an asylum determination will both have their claim determined and be treated in accordance with that country’s obligation under international law.”.

This amendment is consequential on the removal of Clause 1 and restores to the Bill a different clarification of the meaning of “safe country” for the purposes of the Bill.

Clause 7 stand part.

Amendment 4, in clause 8, page 6, line 23, leave out “Scotland”.

The intention of this amendment is to prevent the Bill affecting the law in Scotland.

Amendment 5, page 6, line 25, after “within” insert “the rest of”.

The intention of this amendment is to ensure that any amendment made by any Act resulting from this Bill would affect only the rest of the UK, and not Scotland (see Amendment 4).

Amendment 32, page 6, line 25, leave out “the United Kingdom” and insert

“England and Wales and Northern Ireland.”.

This amendment is linked to Amendment 4 and is intended to remove the application of this Bill to Scotland.

Clause 8 stand part.

Amendment 53, in clause 9, page 6, line 38, leave out from “Act” to end of line 39 and insert

“shall only come into force only when each House of Parliament has come to Resolution on the following motion tabled by a Minister of the Crown: That the Agreement, done at Kigali on 5 December 2023, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Rwanda for the Provision of an Asylum Partnership Agreement to Strengthen Shared International Commitments on the Protection of Refugees and Migrants (CP 994), a copy of which was laid before Parliament on 6 December 2023, should not be ratified.”.

This amendment aims to remove the treaty section from the bill and ensure there’s a separate debate on the matter.

Amendment 59, page 6, line 38, leave out from “force” to end of line 39 and insert

“on the day after the Secretary of State has laid before Parliament a statement that the Monitoring Committee under Article 15 of the Rwanda Treaty has been fully established (and see section (suspension of Act if Monitoring Committee not in operation))”.

This amendment makes commencement of the Act contingent on the establishment of the Monitoring Committee under Article 15 of the Rwanda Treaty.

Amendment 33, page 6, line 39, after “force” insert “in England and Wales and in Northern Ireland”.

This is a paving amendment for Amendment 34.

Amendment 36, page 6, line 39, after “force” insert

“, or the day on which a full economic impact assessment for the bill is published including any financial memorandum signed between Rwanda and the UK relating to the Rwanda Treaty, whichever is later”.

This amendment requires the publication of a full impact assessment on the costs involved in removals to Rwanda under the bill, including per-person removal costs and the confidential financial memorandum signed between the two countries, in advance of the Bill entering into force.

Amendment 34, page 6, line 39, at end insert—

“(1A) This Act comes into force in Scotland on the day after the Scottish parliament grants its legislative consent to this Act.”.

This amendment would prevent the Bill coming into effect in Scotland until after it had been agreed to by the Scottish Parliament.

Clauses 9 and 10 stand part.

New clause 2—*Monitoring and enforcement of conditions* (No. 2)—

“(1) If the conditions of subsection (2) are met, then no provision of this Act shall have effect until such as time as each House of Parliament has passed a motion agreeing that the Act remain in effect.

(2) The conditions of this subsection are that the Monitoring Committee has—

- (a) published a report noting that any provision of the UK-Rwanda treaty is not being adhered to by either party,
- (b) published a report noting that the conditions under which asylum seekers are being held in Rwanda are materially different to those in place at the point where the UK-Rwanda treaty was signed, or

- (c) published a report in the last six months confirming that neither (2)(a) or (2)(b) have in their view been necessary.

(3) For the purposes of this section, the Monitoring Committee refers to the Committee established by Article 15 of the UK-Rwanda treaty: provision of an asylum partnership.”

New clause 3—*Effect in Northern Ireland*—

“The provisions of this Act shall have effect in Northern Ireland, notwithstanding Section 7A of the European Union (Withdrawal) Act 2018.”

New clause 4—*Court of Session*—

“Notwithstanding anything in this Act the supervisory jurisdiction and the nobile officium of the Court of Session are preserved.”

New clause 5—*Monitoring Committee*—

“(1) A Monitoring Committee overseeing removals to Rwanda must be established and maintained in accordance with Article 15 of the Rwanda Treaty.

(2) The Monitoring Committee must report to Parliament every 90 days from when it is first established to confirm that the obligations set out in the Rwanda Treaty are being complied with.

(3) If a report made under subsection (2) either (a) is not received within a 90-day period or (b) does not confirm that the relevant obligations are being complied with, the provisions of this Act relating to the removal of persons to Rwanda do not apply.

(4) Reports made under subsection (2) may be taken into consideration in proceedings of any court or tribunal.”

This new clause places the Monitoring Committee for the Rwanda Treaty on a statutory basis, requires regular reporting to Parliament, and ensures that their findings can be reviewed and can affect the operation of measures in the Act resulting from this Bill.

New clause 7—*Reporting requirements*—

“(1) Within 60 days of this Act receiving Royal Assent, and at every 90 days subsequently, the Secretary of State must provide a written report to Parliament setting out—

- (a) the number of individuals relocated under the Rwanda Treaty,
- (b) the current location and immigration status of any individuals relocated under the Rwanda Treaty, and
- (c) the quarterly and total costs incurred to transfer individuals to Rwanda under the Rwanda Treaty, including processing costs.

(2) The Secretary of State must also notify Parliament within 10 days of any direct payments being made to the Republic of Rwanda under the terms of the Rwanda Treaty.”

This new clause requires the Secretary to report regularly to Parliament on the operation of the Rwanda Treaty, and to promptly notify Parliament of any payments made by the UK Government to the Republic of Rwanda under the terms of the Rwanda Treaty.

New clause 8—*Return of individuals due to serious criminal offences*—

“(1) A Minister of the Crown must lay a statement before Parliament within 40 days if both of the following conditions are met—

- (a) the Secretary of State has approved a request from the Republic of Rwanda to return to the UK a person previously relocated under the terms of the Rwanda Treaty,
- (b) the person specified in (a) had their permission to remain in the Republic of Rwanda revoked owing to the person’s participation in serious crime.

(2) If Parliament is notified of the conditions being met as set out in section (1),—

- (a) a motion must be moved by a Minister of the Crown to be debated on the floor of the House of Commons, and

- (b) the motion must require the House to—

- (i) consider the statement laid before Parliament under section (1), and
- (ii) consider whether or not as a result of the contents of the statement, there should be a suspension of the Rwanda Treaty.

- (3) For the purposes of this section—

“the Rwanda Treaty” means the agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Rwanda for the provision of an asylum partnership to strengthen shared international commitments on the protection of refugees and migrants, signed at Kigali on 5 December 2023;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.”

New clause 9—*Removals to Rwanda under the Illegal Migration Act 2023*—

“Within 60 days of this Act receiving Royal Assent, the Secretary of State must lay before Parliament a statement referring to all individuals whose asylum claims have been deemed inadmissible since the granting of Royal Assent to the Illegal Migration Act 2023, confirming—

- (a) the number of such individuals due to be removed to Rwanda under the Rwanda Treaty,
- (b) the timetable for these removals, and
- (c) the arrangements in place for any such individuals not due to be removed to Rwanda during the time period set out in the Rwanda Treaty.”

This new clause requires the publication of a timetable for the Government’s plans to remove the 33,000 asylum cases accrued under the provisions of the Illegal Migration Act 2023 to Rwanda.

New clause 13—*Suspension of Act if Monitoring Committee not in operation*—

“(1) This Act ceases to have effect on the day after the Secretary of State has laid before Parliament a statement that the Monitoring Committee under Article 15 of the Rwanda Treaty has (for whatever reason) ceased to function.

(2) The suspension of this Act under subsection (1) is terminated (and this Act accordingly resumes effect) on the day after the Secretary of State has laid before Parliament a statement that the Monitoring Committee under Article 15 of the Rwanda Treaty has started to function normally after a period when it had ceased to function.”

This new clause makes the operation of the Act resulting from this Bill dependent on the continued operation of the Monitoring Committee to be established under Article 15 of the Rwanda Treaty.

Amendment 39, in clause 1, page 1, line 2, leave out from “to” to “the” in line 3 and insert

“uphold the intention of Parliament to respect and abide by the Human Rights Act 1988 and International law (see subsection (6)) in respect of”.

This amendment rewords part of the declaratory Clause 1.

Amendment 40, page 1, leave out line 6.

Amendment 41, page 1, line 7, leave out paragraph (a).

This amendment aims to remove the treaty section from the bill and ensure there’s a separate debate on the matter.

Amendment 42, page 1, line 11, leave out paragraph (b).

Amendment 31, page 2, line 4, leave out subsection (4).

The effect of this amendment is to remove the reference to the sovereignty of parliament and the assertion that an Act is unaffected by international law.

Amendment 43, page 2, line 6, leave out “the validity of an Act is unaffected by” and insert

“Parliament of the United Kingdom will normally legislate with the intention of abiding by, complying with, and implementing, international law”.

Amendment 44, page 2, line 7, leave out subsection (5).

This amendment leaves out the definition for the purposes of this Bill of a “safe country”.

Amendment 54, page 2, line 9, leave out from first “Kingdom” to “and” in line 11.

This amendment would remove from the Bill text which suggests that Parliament can determine whether the UK is in compliance with international law.

Amendment 55, page 2, line 14, leave out from “country” to end of line 19.

This amendment would remove from the Bill text which suggests that Parliament can determine whether the UK is in compliance with international law.

Clause 1 stand part.

Robert Jenrick: I know that the Minister for Countering Illegal Migration, my hon. and learned Friend the Member for Mid Dorset and North Poole (Michael Tomlinson), said that he did not watch box sets, but here we are once again for the next episode of this drama. It is also the most important one of all, because this is likely to be the final opportunity for this House to consider the Bill. Does it work? Will we be able to stop the boats? Can we secure our borders? As Members in all parts of the House know, I feel passionately that illegal migration is doing untold damage to our country, and we have to make sure that the Bill actually does the job.

I want to speak to two amendments, but one in particular, and that is the one with respect to rule 39. Let me say at the outset of this debate that I do not believe that our membership of the European convention on human rights is sustainable. I think that that will become clearer and clearer to the British public in the months and years ahead, but that is not the purpose of my amendment today and it is not the subject of this debate. That is a discussion for another day. What we are discussing here is whether we believe it is appropriate for a foreign judge in an international court to impose a late-night judgment, often without the United Kingdom being able to give its own arguments or to hear the reasons for that judgment; whether we think that that really accords with the rule of law, particularly in relation to this policy; and whether we are willing to see the same thing happen again that happened in the summer of 2022, when a judge did just that, grounding the flight and preventing the policy, leading to months, indeed years, of legal action and tens of thousands of illegal migrants breaking into our country, costing our taxpayers billions of pounds, imperilling lives in the channel and perpetuating this challenge for years to come.

Sir Edward Leigh (Gainsborough) (Con): I am happy to support my right hon. Friend tonight on this amendment, as I did last night. I am on the Council of Europe, so I take quite a lot of interest in this. There is an established legal principle that, in fact, the judge was acting *ultra vires* in 2022 and that it was not in his powers to do that. There is also an established legal opinion that our Government could actually have ignored it. How does this relate to my right hon. Friend’s amendment?

Robert Jenrick: I will come on to the exact points that my right hon. Friend is making; they are fair and important ones.

As night follows day, if we do not make changes in this respect, we will find ourselves in a few months’ time in exactly the same position that my right hon. Friend the Member for Witham (Priti Patel) was in as Home Secretary in the summer of 2022, wherein the Strasbourg Court could issue one, or potentially many, rule 39 interim measures. The decision about what to do will fall to a Minister—perhaps my hon. and learned Friend the Minister for Countering Illegal Migration—and other colleagues within Government. The courts will be involved and we will find ourselves in a very difficult, indeed intractable, situation. As I have said before, setting this scheme in train without knowing what we would do when that happens is a bit like pulling the pin out of a grenade but not being prepared to throw it. This is entirely foreseeable. Let us find a way through this challenge.

To answer the question from my right hon. Friend the Member for Gainsborough (Sir Edward Leigh) and to address the legitimate challenge that is made to those like me who make this argument, we have to go back to the foundation of the Court. Many of my colleagues say, “Well, it was great Conservative and British jurists who were the authors of the European convention on human rights. Why would you want to alter what they created?” With respect, that is a misunderstanding of what was done when the convention was founded and the treaty signed. No one signed up to the Court being able to make binding injunctions. In fact, quite the opposite: it was considered at the time and rejected. The UK, like all other signatories to the European convention, expressly declined to give the Court the power to make binding interim measures. This was created by activist judges in 2005, in response to the *Mamatkulov and Askarov v. Turkey* case, whereby the Court conferred upon itself a power that was not given in the treaty. It is a mistake that the United Kingdom has for many years, by convention, gone along with the approach the Court has taken to itself.

1 pm

Do not take my word for it; take the word of many eminent jurists and lawyers. When this very point was considered in the other place during the passage of the Illegal Migration Act 2023, a not dissimilar point—I will not put words into their lordships’ mouths—was made by the noble Lord Sandhurst, the noble Lord Faulks and the noble Lord Woolf. In a foreword to an important piece related to this debate, the noble and learned Lord Sumption made a similar and very important point.

In fact, the professor of international law at the University of Oxford, Professor Richard Ekins, whom many of us respect highly, has said that to change the current approach is not to breach the rule of law but to defend the rule of law, because we, as signatories to the European convention, expressly objected to the approach, which has been conferred by activist judges outside the rule of law. We should not be following through with this.

Imran Hussain (Bradford East) (Lab): At least the right hon. Gentleman has the strength to be vocal about what he actually believes, which is more than can be said for many other Conservative Members. He has

[Imran Hussain]

made it clear that he could not care less about what the European convention on human rights says. Will he go further and openly say that this vile, dangerous and inhumane Bill has one purpose, which is to flout international law, and that his party could not care less about the human rights of the most vulnerable individuals?

Robert Jenrick: It is a pity, but I cannot say I am surprised, that the hon. Gentleman sinks to those depths and does not present a proper legal argument. Had he been listening to me, he would have heard that I did not say anything of the sort. The case that I am advancing is far from an undermining of the European convention on human rights, although there are many who might wish to leave it. We are defending the original intent of the European convention on human rights, and the rule of law, because it is not sustainable for activist judges in Strasbourg to bend and change the original intent of the signatories to that convention, in ways that they would never have accepted, by inventing new powers. I want us to defend the rule of law, and in this case it is best defended by saying that the Court's interim measures are not binding on the UK, either on the domestic plane or on Ministers. It is better that we simply return to the position before 2005. In fact, I think most of this happened under a Labour Government.

Patrick Grady (Glasgow North) (SNP): Is this British exceptionalism? Is the right hon. Gentleman making the case that the ECHR should no longer apply only to the UK? Or is he saying that it is not fit for purpose across the board and should be scrapped entirely?

Robert Jenrick: It seems as if we are having a dialogue of the deaf, because that is not what I said at all. I said that the debate about the European convention is for another day, but the hon. Gentleman is saying that the decision of the Strasbourg Court in 2005 to confer upon itself, without seeking the consent of any of the signatories to the convention, the ability to impose binding interim injunctions on other countries is the right way forward and, indeed, that those injunctions should be able to be made at the eleventh hour, in the middle of the night, without giving reasons, without asking for our arguments and without even naming the judge behind the ruling. That poses very serious rule-of-law questions and is a reason why conventions such as the ECHR are increasingly out of step.

Sir John Hayes (South Holland and The Deepings) (Con): My right hon. Friend is, of course, right that it contradicts the long-established custom and practice that was the accepted basis for the rule of law in this country. He cites Lord Sumption and Lord Woolf, but he might also have cited the constitutionalist A. V. Dicey who, long ago, supported by Lord Denning and many others after, established that the relationship between the rule of law and this place is that a polity can make and change laws because it has the legitimacy to do so, conferred on it by the people. Frankly, that means this House is supreme. That in no way underestimates the significance of international agreements and treaties, but it affirms the significance and sovereignty of this House.

Robert Jenrick: I entirely agree with my right hon. Friend.

Stella Creasy (Walthamstow) (Lab/Co-op): As somebody who has served on the Council of Europe and was proud to do so because of the United Kingdom's history of setting it up to protect citizens from overbearing Governments, I think it is worth looking at the data on interim measures. In 2019, 82 requests were made to the Strasbourg Court for interim measures against this Government and zero were granted; in 2020, 47 requests were made and two were granted; and in 2021, 51 requests were made against this Government and five were granted. That is just seven out of 180. Is the right hon. Gentleman really suggesting that this Government get things right all the time, so there should be no capacity to challenge them legally, even when irrevocable harm is on the agenda?

Robert Jenrick: That is not the point I am making. Once again, the hon. Lady is not listening. The point I am making is not about the virtues or otherwise of our membership of the European convention on human rights, which I have said is a matter for another day. The discussion on the amendment is simply about whether we believe it is right that the Strasbourg Court should confer upon itself, without our consent, the ability to impose binding injunctions. There is a separate question, not unrelated, as to how those injunctions are made. I would like to believe that most of us agree that doing them late at night with an unnamed judge, without giving reasons, raises serious rule-of-law questions. Perhaps the hon. Lady disagrees with that, but the purpose of the amendment is to enable us to return to a previous position. [Interruption.] She now has her clip for social media, so the rest of the debate is largely irrelevant.

Joanna Cherry (Edinburgh South West) (SNP): I want to address the point of law in respect of the Strasbourg Court. The difficulty with the right hon. Gentleman's argument is that, under the scheme of the convention, the Court is the body that determines the meaning of the convention. Not just in the 2005 case but consistently thereafter, the Court has held that failing to comply with interim measures amounts to a breach of article 34 of the convention. That is the legal difficulty with his argument, is it not?

Robert Jenrick: No. There may be a good-faith disagreement between the hon. and learned Lady and me, but I do not believe that international bodies and courts should be able to grow organically as a result of the decisions of activist judges. This is a matter of the rule of law and of parliamentary sovereignty. We in the United Kingdom chose to be a signatory to the European convention on human rights, and I do not think it is correct that the Court gave itself this power in 2005.

I return to how this matter relates to the policy. First, let us cast our minds back to the summer of 2022. A rule 39 interim measure was imposed by the Court to ground a flight and to prevent us from proceeding with the policy. Do we think that anything has changed in the months and years that have passed? My conjecture is no. We will be in exactly the same position in a few months' time unless we take action.

We included a provision in the Illegal Migration Act that merely restated the orthodox constitutional and legal position that, in theory, it is at a Minister's discretion whether to comply with a rule 39 interim measure. Underlying that was the Government's legal advice—which I believe to be erroneous, for the reasons I have just described—that they would be in breach of international law not to do so. As far as I am aware, the Attorney General and the Government Legal Service therefore continue to advise Ministers and civil servants that a decision not to support a rule 39 interim measure would be illegal and in breach of the ministerial code.

My best recollection was that no Minister should give any indication that they would ignore a rule 39 interim measure. The Attorney General's position, as I understand it, is that there is a very small number of cases in which it is conceivable that one could do so, but that is a vanishingly slim number of cases and situations. As night follows day, if that position were to continue, we would find ourselves in exactly the same situation as we were in during the summer of 2022. I do not want to be in that position. It would be a huge breach of trust with the British public if we knew that something was likely—if we watched this train not speeding down the tracks but moving slowly towards us—and had ample opportunity to resolve the issue, but chose to do absolutely nothing. We have kicked the can down the road and now there is no more road—at the end of the road there is a precipice. We are moving forward with a scheme, but we do not know how to implement it. We are pulling the pin out of the grenade, but we have not got the guts to throw it.

We need to resolve this and the way to do that is simple: the Government could accept the amendment that stands in my name and those of many others. To do so is not to say that we are leaving the European convention on human rights. There are respectable international law arguments behind the amendment, and I would wager that the Government would have no difficulty in finding senior King's counsel and former judges in the other place who would support my position—and the Government's position, should they choose to adopt it.

The Government could change some of the accompanying minor documentation, such as the civil service code and the ministerial code. I would not place too much emphasis on those. At the end of the day, this is not about civil servants; it is about Ministers and the law. A good captain does not blame his sailors. It is on us: we have the power to fix this and we have the responsibility. So let us use the opportunity we have today with the amendment to resolve this situation. If we do not, we will be here in two months' time, the Strasbourg Court will impose a rule 39 measure and the Government will be scrambling around trying to resolve the situation, and they will have no one else to blame.

I am here to help the Government, to ensure that this policy works, because I, like everyone, at least on this side of the Committee, believe passionately that we have to make this policy work and to stop the boats. So I strongly encourage my hon. and learned Friend the Minister, and indeed the Prime Minister, to support the amendment, and I encourage everyone else on both sides of the Committee who shares my determination to fix this problem to do exactly the same.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): I call the shadow Minister.

Stephen Kinnock (Aberavon) (Lab): It is a pleasure to serve under your chairship again, Dame Rosie.

Here we go again: it is day two in Committee for the third asylum Bill in less than two years, and day 643 of the Rwanda psychodrama that the Conservative party continues to inflict on our weary and baffled nation. Let us not forget that the Rwanda saga started off as Operation Save Big Dog, that desperate and, thankfully, doomed attempt to save the skin of Boris Johnson. But then, for some bizarre reason known only to Conservative Members, it did not fade away once Mr Johnson exited stage right—quite the opposite. It took on a life of its own, evolving into an article of faith for the Conservative party, a purity test that has come to define whether or not someone is a true believer, so vast quantities of political capital and untold amounts of Government time, resources and energy have been squandered on a policy that, at most, might one day enable the transfer of a few hundred asylum seekers to Rwanda. It truly is an absolutely extraordinary state of affairs.

1.15 pm

Meanwhile, out there in the real world, food bills are spiralling and mortgages are going through the roof; 7.8 million people are on NHS waiting lists; raw sewage is being pumped into our rivers; and at least 30,000 people risked life and limb to cross the channel on small boats. Nothing in this Bill will address any of those challenges, not even the last one. As I said yesterday, the Rwanda plan is extortionately expensive, with £400 million on its way or committed to the Government of Rwanda, without a single asylum seeker ever having been sent there. In addition to that vast sum, it will cost at least £169,000 to send each individual asylum seeker to Rwanda; the figure will probably be far higher, but the Government are refusing to come clean on that point.

The plan is also unworkable, because there is no evidence that sending just a few hundred asylum seekers will deter the tens of thousands who are crossing the channel each year. Desperate people who have risked life and limb crossing continents to escape violence and persecution are not going to be deterred by a less than 1% chance of being sent to Rwanda. Of course, we know that in addition to being unaffordable and unworkable, the scheme is unlawful, as has been found by the Supreme Court, owing to Rwanda's not being, as it stands, a safe country. Yet here we are again, being forced to indulge the fantasies, fixations and psychodramas of Conservative Members.

Sir Edward Leigh: We have heard that before, but let us address the narrow legal point. Does the hon. Gentleman think that it was right for a Strasbourg judge to impose an injunction in the night, on his own, without giving the British Government the chance to make their case?

Stephen Kinnock: What we are seeing is complete shambolic incompetence in the asylum system, and if cases are not made clearly and are open to legal appeal, legal appeals will come and, in some cases, will succeed. On the broader point, the UK is party to a number of international agreements and conventions. That reality is extremely important to our national interest. In many cases, it strengthens our sovereignty, not weakens it. So Labour Members are clear that politics is about choices, and when we look at the bigger picture of our country's place in the world, it is absolutely clear that our sovereignty

[Stephen Kinnock]

and national interest are strengthened, not weakened, by being party to these international agreements and conventions.

It is deeply troubling that every day seems to bring a new example of the tail wagging the dog. We now hear that the Prime Minister is assembling 150 judges and 1,000 staff to fast-track Rwanda cases through our courts. Sorry—what? Does he not know that under his leadership and on his watch, the Crown court backlog in this country is at a record high of 65,000? Victims of serious crimes regularly wait more than two years for their day in court, so that they can seek justice against the perpetrator. The system is completely broken because of 14 years of Tory incompetence and indifference, yet the Prime Minister clicks his fingers and, glibly, is apparently able to magic up 150 judges and 1,000 staff. Where on earth have those 150 judges been hiding all this time? Are they going to be new recruits or are they currently working? If it is the latter, are they going to be told to drop everything and transfer to dealing with asylum cases? I trust the Minister will be able to answer those questions today, but I am not holding my breath.

Regardless of the operational issues, imagine the impact the Prime Minister's glib announcement yesterday would have on you if you were a rape victim who has been languishing for years in our broken judicial system. Imagine the anger and disgust you would feel at the spectacle of a Conservative Prime Minister sacrificing your fight for justice on the altar of his desperate attempt to cling to power by appeasing his Back Benchers. What an utterly shameful and shabby way for the Prime Minister of our country to behave.

Gavin Robinson (Belfast East) (DUP): On the point the shadow Minister made about political choices, he is valiantly opposing the Bill and he voted against it on Second Reading, just as I did, but does he recognise that given that this is the last Session of this Parliament, the Parliament Act cannot be engaged and plenty will take place in the other place, so the only way the Bill will become law is if Labour makes the political choice to say that fighting and frustrating it any longer is not in its interest?

Stephen Kinnock: I thank the hon. Gentleman for his comments, but we have made it absolutely clear that the Bill is unaffordable, unworkable and unlawful. The Opposition will never support any piece of legislation that is guilty of those three sins—that is as clear as crystal to us. With pride we voted against the Bill on Second Reading, with pride we voted against the amendments that would only make it even worse, and with pride we will vote against it on Third Reading.

Imran Hussain: My hon. Friend is right about the purpose of the Bill, which is one of the most flagrant attempts to directly flout international human rights law that we have seen. Does he agree that that is the only purpose of the Bill before us today?

Stephen Kinnock: I thank my hon. Friend for his powerful intervention. It is difficult to determine the true purpose of the Bill these days, because it has become embroiled in various Tory internal wars, fights

between factions and certain people's leadership ambitions, but we know it will not stop the Tory small boats chaos. It is that chaos that has to be stopped. The people smuggler gangs are trading in human misery and must be stopped, but we need practical, sensible, pragmatic measures, rather than the headline-chasing gimmicks we have seen from this Government over the last years and months.

The irony of the announcement yesterday about the judges was that, by definition, it is an admission of failure, because it recognises that the Bill will fail to prevent the legal challenges and appeals that the judges will be working on. The Prime Minister's announcement yesterday was further evidence of the profoundly troubling way in which the Government are prepared to disregard and disrespect our judiciary. I urge Members on all Benches to take careful note of what Sue Carr, the Lady Chief Justice, told the Justice Committee yesterday:

"I'm afraid that this headline draws matters of judicial responsibility into the political arena...matters of deployment of judges, the allocation of work for judges and the use of courtrooms is exclusively a matter for the judiciary and, more specifically, a matter for myself and the senior president of the tribunals. It's really important that people understand that clear division."

There speaks a true democrat.

Tom Hunt (Ipswich) (Con): The shadow Minister knows that our view on the Government Benches is that the problem cannot be comprehensively tackled without a deterrent; I cannot think of any examples around the world where it has been tackled without a deterrent. The shadow Minister has spoken before about safe and legal routes, and I have asked him questions about whether the numbers using those routes should be capped or uncapped, so has he thought about what the cap level would be? What would be the number?

Stephen Kinnock: It is clear that in order to stop the Tory small boats chaos, we have to smash the criminal smuggler gangs. That will be done through enhanced co-operation with European partners and allies. The shadow Home Secretary and the Leader of the Opposition visited Europol recently. It is hugely important that we get better data sharing and co-operation with European authorities, such as Europol and Frontex, in order to be able to smash the criminal gangs upstream. As I will go on to say in my remarks, the more we jeopardise co-operation with our European partners and allies by threatening to leave the European conventions, the more difficult we make it to have that European co-operation and the more we undermine our own ability to deter the criminal smuggler gangs. If someone were looking for a definition of counterproductive legislation and policies, this would be the one they would go for.

Several hon. Members rose—

Sir John Hayes: The shadow Minister makes a good point about co-operation. He is right that the only way to tackle the problem is through a suite of measures under an umbrella policy but, as my hon. Friend the Member for Ipswich (Tom Hunt) just described, an important part of that is deterrence. The brand and the marketing message of the criminal gangs is that people will get to Britain and never leave. Sadly, that has too often been the case, has it not?

Stephen Kinnock: As I said yesterday, there are pragmatic, sensible things the Government have been doing that we support. For example, the Opposition fully support the Albania deal. The fact that removals to Albania are facilitated by that deal has acted as a deterrent and led to a clear decrease in the number of Albanians trying to come over. Why do the Government not do more of that? They should do the pragmatic, sensible stuff rather than being sucked into endless bun fights about the Rwanda deal, which is unaffordable, unworkable and unlawful. I say to the right hon. Gentleman that it is a question of priorities: the Government have limited time, resources and energy, so they should focus it on the stuff that works rather than on the headline-chasing gimmicks.

Sir Desmond Swayne (New Forest West) (Con): The mantra has been clear for many months from the Opposition Benches, including from the shadow Minister himself, about the need for safe and legal routes. Can we have some indication of what level of immigration through safe and legal routes would be needed to address the problem? I put it to him that as soon as that cap is reached, the rest will come by boat unless there is a deterrent.

Stephen Kinnock: On safe and legal routes, as a priority I would look at things like the Afghan schemes, which are completely and utterly broken. The Afghan relocations and assistance policy has collapsed and the Afghan citizens resettlement scheme never really worked. Which nationality is always in the top three or four nationalities crossing the channel? The Afghans. We need to get the schemes that are currently in place working properly, and then we need to look at international co-operation, working with our European partners and allies, to create a dynamic whereby the United Kingdom does its bit, as part of ensuring that those trying to cross the channel in small boats do not do so.

Robert Jenrick: To draw the shadow Minister back to the amendments and the interim measures of the Strasbourg court, and to build on the question asked by my right hon. Friend the Member for Gainsborough (Sir Edward Leigh), am I right in understanding that the Labour party's position is that it does not want to see reform of rule 39 interim measures? I find that surprising, given that the UK is working in concert with many, perhaps all, signatories of the European convention on human rights to do just that. Most of our friends and allies in Europe consider there to be serious rule of law issues arising from the so-called pyjama injunctions and, like them, we want to see them reformed. Would the Labour party abandon that piece of work?

Stephen Kinnock: When we enter Government, as I hope we will, everything we do will be based on a test: is it affordable, is it workable and is it legal? The legal piece has to be based on compliance with our international legal obligations. However, if one cherishes something, one also has to be open to changing and improving it. It is clear that a global conversation and a European conversation are required about the immigration position in which we find ourselves. If we, in concert with our international partners and allies, can find ways to improve the system, of course Labour would look to do that.

Unfortunately, we cannot negotiate that deal from Opposition, but we will certainly prioritise that as and when we come into Government.

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

Stephen Kinnock: If the hon. Gentleman does not mind, I will make a little more progress and then come back to him.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): Order. It is the convention that any Member wishing to intervene should have been in the Chamber from the start of the speech. I know that the hon. Gentleman came into the Chamber a little after the start of Stephen Kinnock's speech.

1.30 pm

Stephen Kinnock: Thank you, Dame Rosie. It is against the backdrop of chaos, confusion and "party before country" that we consider the amendments before us today. I wish to start by commenting on the amendments in the name of the former Immigration Minister, the right hon. Member for Newark (Robert Jenrick).

This Bill is riddled with shamefully anti-democratic clauses that undermine the rule of law and seek to undermine the conventions and values that we on the Labour Benches hold dear. Perhaps the most egregious example of this is the admission in the Bill that its provisions may not comply with the United Kingdom's obligations under international law. Indeed, clause 3 explicitly disapplies international agreements, including the 1951 refugee convention and the 1984 convention against torture. The leader of the more moderate Conservative caucus, the one nation group, described this approach as "authoritarian" and "a betrayal" of who we are as a nation. He was absolutely right on both points. Our liberal democratic nation is founded on the rule of law and our respect for the judicial function; our international standing is founded on our commitment to human rights and international law; and our proud history is founded on the delivery of those principles, including, indeed, Winston Churchill himself helping to establish Britain as a founder of the 1951 convention.

I made the point yesterday—I will make it again now—that it is not for politicians to interfere with court judgments, and it is not for the Government to respond in a knee-jerk manner to court rulings that they dislike. That is the behaviour of an autocracy, not a democracy. How on earth can our country be the international standard bearer for the rule of law in the face of, for example, Putin's barbarism or an increasingly belligerent China if we are breaking our own international obligations? Indeed, how can we even hold Rwanda to account on its commitment within this new treaty if we are not practising what we preach? Then there is the real and present danger that this Bill represents to the international agreements that Britain is party to, all of which are central to our national interest.

Stella Creasy: Those who are worried about social media may also find it useful to use their phones in the Chamber to double-check those international obligations, and indeed the original text of the European convention on human rights, which states explicitly:

"The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties."

[Stella Creasy]

From the start, it was intended that there was a check—[*Interruption.*] I listened to the right hon. Member for Newark (Robert Jenrick); I hope that he will accord the same respect and courtesy to me. Does my hon. Friend agree that, from the start, it was envisaged that it was an important check and balance to involve the courts in decision making?

Stephen Kinnock: My hon. Friend makes a very good point. As we have also seen in the letter that Nathalie Loiseau sent to her about the potential risks that there are to the trade and co-operation agreement, and to a range of other commitments, it is absolutely clear that it is in our national interest to pool our sovereignty with other nations through these conventions in order to strengthen our own national sovereignty. I agree absolutely with her on that point.

Let us look at some of these agreements. First, the European convention on human rights is woven integrally into many different parts of the Good Friday agreement. The political settlement in Northern Ireland should not be taken for granted, so disapplying the ECHR in British legislation would be playing with fire in that regard. The Prime Minister's very own Windsor framework, which sought to resolve the issues around trade and Northern Ireland post-Brexit, was agreed on the basis of the UK's full commitment to the Good Friday agreement. I am sure that the Prime Minister would not want to accidentally set fire to his own carefully crafted negotiations.

The EU-UK trade and co-operation agreement includes clauses on important mutual security co-operation, which are reliant on Britain's commitment to the European convention on human rights. Under articles 1 and 692 of the TCA, UK withdrawal from the ECHR entitles the EU to immediately suspend or terminate the entirety of section 3 of the TCA. Therefore, introducing notwithstanding clauses into the Bill means that the Government would also be dicing with the risk of jeopardising security co-operation with our European partners and allies.

The irony here is that this very security co-operation and data sharing is of pivotal importance when it comes to smashing the criminal gangs that are behind the small boat crossings. This Bill, which is designed to deal with the issue of the small boat crossings and the criminal gangs, could undermine the very co-operation that is supposed to be smashing those gangs—you literally could not make it up. I do not believe that such legislative belligerence is in the interests or the traditions of the Conservative party, and I certainly do not believe that it is in the interests or traditions of our own proud nation. The amendments that have been tabled by the former Immigration Minister would, I am afraid, simply increase all the risks that I have described, so we on the Labour Benches will be opposing them.

Let me turn now to Labour's amendments. Again, I stress that we reject the Bill in its entirety and that our amendments are designed to limit the damage of this unaffordable, unworkable and unlawful piece of legislation. A major concern of ours is the way the Government are handling the entire Rwanda saga from the point of view of transparency—everything from costs and the processing capacity of the Rwandan Government, to Ministers

trying to hide the fact that criminals will be sent from Rwanda back to the UK, and the fact that the UK may have to take some refugees from Rwanda.

Our amendment 36 and new clauses 7 and 8 are all part of an attempt to force the Government to shed more light on the less clear aspects of the scheme, and to introduce more accountability. Amendment 36 would require the Government to publish a full impact assessment, setting out the costs per person for the removal scheme, and the confidential financial memorandum already agreed between the two countries. We believe that the cost per person is far higher than the £169,000 already acknowledged by the Government, and we want Ministers to come clean on that point.

New clause 7 would require the Secretary of State to report to Parliament on a regular basis—every 90 days, as with the monitoring committee—on the operation of the scheme, including data on the number of people relocated to Rwanda and the costs incurred by the UK Government. Similarly, new clause 9 would require regular reporting on the number of asylum seekers declared inadmissible under the Illegal Migration Act 2023 from the point of its entry into force—whenever that may be—and the number of such asylum seekers who were subsequently removed to Rwanda.

New clause 8 would impose further reporting requirements on the Government, including on the number of individuals involved in criminal activity who have been transferred from Rwanda to the UK. In the event of any such transfers, the Government would be required to table a debateable motion in Parliament, so that MPs could consider whether, in the light of the transfers, the operation of the treaty should be suspended. It is important that the British public understand just how many foreign criminals the Conservative Government will be importing back into our country as part of this Rwanda deal.

Further amendments relate to the monitoring committee—a central part of the new treaty, which both sides are required to set up in order to oversee the operation of the removal scheme, and to provide a mechanism for individual asylum seekers to lodge confidential complaints directly with the committee. The Supreme Court raised initial concerns about the capacity of the committee to review complaints in its judgment. Our amendment 59 would make the establishment of this committee a necessary precondition for the commencement of this Act. New clause 5 would place the committee on a statutory footing. The monitoring committee would be required to report to Parliament every 90 days, confirming that all the relevant obligations set out in the treaty are being fully complied with.

In the event that the monitoring committee either fails to meet the 90-day requirement or reports to Parliament that Rwanda is not in full compliance with any provision of the treaty, this Act would effectively be suspended from being in force until any issues with timing or compliance have been resolved. Linked to this, new clause 13 stipulates that the operation of this Act should be suspended at any time when the monitoring committee “is not in operation”.

Finally, new clause 5 states that it is for a Minister of the Crown, and that Minister only, to decide whether to comply with any “interim measures” issued by the ECHR for the purposes of blocking a person's removal

to Rwanda. Amendment 38 stipulates that, in making such a decision, the Minister in question must consult the Attorney General.

The Conservative psychodrama of the past 24 hours only goes to serve the old political adage: if a Prime Minister is incapable of managing his own party, he must be utterly incapable of running the country. The resignation of not one but two deputy chairs last night, followed by a 60-strong rebellion, illustrated the level of utter incompetence at the heart of his Administration. We know what they say: to lose one deputy Chair could be down to misfortune; to lose two in one night looks like sheer carelessness. At least we might see a bit more of them on their GB News show, discussing days of yore while spoon-feeding each other cold baked beans, which was my personal television highlight of 2023. It also explains quite a lot about the amount of hot air emanating from the Government Benches. I certainly hope to see and hear more from them in this election year.

In all seriousness, what on earth is going on? The country is looking on, baffled that the Prime Minister could pay the Rwandan Government £400 million for nothing, yet place such little focus on strengthening our security co-operation with Europe to stop the boats in the first place, and he has spent little time improving our broken public services or helping our struggling households during the cost of living crisis. They are perplexed that the Conservatives are spending so many hours on a piece of legislation that is not really meant to stop the boats; it is about the Prime Minister getting a single plane in the air, with a handful of asylum seekers on it, so that he can say, “Look, I did it! I delivered the Rwanda plan and removed a few refugees.” He thinks the British people will deliver something to him on that basis.

We are perplexed because this is not the behaviour and politics we can afford to expect from a British Prime Minister. These are not the serious policies that will fix our asylum system and make our country a better place—all the headline-chasing gimmicks over hard graft and getting a grip. That is not what the British public voted for. Indeed, nobody—not even his own party—voted for him at all.

This plan is a con. This Bill is a sham. I urge all hon. Members to get behind Labour’s amendments to limit the damage and to vote against the Bill on Third Reading. It is unworkable, unaffordable and unlawful. If we are to stop the Tories’ small boats chaos and end expensive asylum hotel use, which costs £8 million a day, this Conservative psychodrama needs to end. We need Labour’s five-point plan to end this chaos, starting with going after the criminal gangs upstream in a new security partnership with Europol. We need a Government that put country before party, and we need a general election this spring.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): It may be helpful if I clarify a few things. First, if colleagues wish to intervene, it is important that they are present from the start of the relevant speech. It is also important that they remain to the end of the speech.

Secondly, I intend to give priority to those who have amendments down on the selection list—I will then come to others. In addition to the fact that we are

discussing amendments, I should explain that, because we are also discussing clause stand part, the debate can range slightly more widely than would be normal, but it is not a Third Reading debate. There will be a Third Reading debate—an hour has been put aside for that—just in case colleagues prefer to speak at that stage. I know that Sir Jeremy Wright has an amendment, so I call him to speak.

Sir Jeremy Wright (Kenilworth and Southam) (Con): Thank you, Dame Rosie. In fact I have two amendments—amendments 54 and 55—on which I wish to focus my remarks. We all understand that the purpose of the Bill is to allow this Parliament to designate Rwanda as a safe country so that people can be removed to it lawfully. In order to achieve that, of course, we require a definition of what a safe country is. The Bill does that in clause 1(5)(a), which describes a safe country as

“a country to which persons may be removed from the United Kingdom”.

So far, so good. It seems to me that that is an essential part of the Bill’s inherent purpose.

The part of that subsection (a) that concerns me, and on which my amendment is focused, is where it says that that is

“in compliance with all of the United Kingdom’s obligations under international law that are relevant to the treatment in that country of persons who are removed there”.

In other words, the Bill seems to say that the United Kingdom, by saying that Rwanda is a safe country, can also deem itself to be in compliance with a set of its international law responsibilities. I do not think that can be correct.

1.45 pm

Few in this House are as familiar as I am with the vagaries and complexities of international law. If international law means anything, surely it must mean that it does not lie in the hands of any individual nation state—even this one—to determine its own compliance with it. Were it otherwise, international law would not really be international, and it would certainly serve no purpose in containing bad behaviour, as we sometimes ask it to do.

Sir John Hayes: I work closely with my right hon. and learned Friend in a number of ways, as he knows, and I am well aware that he is a former Attorney General. If he were right that it is not for the Government or this House to determine whether measures are compliant, why on earth would they seek and get the Attorney General’s advice on just that?

Sir Jeremy Wright: My right hon. Friend knows that the Attorney General is consulted on a variety of different legal questions, both domestic and international. He would not expect me to disclose any of the advice I have previously given, but I can tell him that the Attorney General does give advice on whether the Government’s actions may or may not be in compliance with international law, but neither the Attorney General, nor, I think the Government, expects to be the ultimate arbiter of that question. The advice is given as to whether it is likely that that action would be in compliance with the law. I will come in a moment to what I think the Bill and the Government can properly do in relation to international

[Sir Jeremy Wright]

law responsibilities, but it seems to me that what they cannot properly do is set themselves up as judge in their own cause on questions of international law. This House would be wrong to pass a Bill that suggested that they could. That is really where my amendments are focused.

As I say, there is a good practical reason why we should be nervous about this: because we do sometimes rely on international law to discharge our own policy intents and purposes. Not more than 48 hours ago in this place, we were doing exactly that. We were saying that it is important to criticise the actions of the Houthis in the Red sea because they contravene principles of international law. We were saying too that we justify our own response to that because it is in accordance with the principles of international law, and quite right, too. We would not have accepted the Houthis' unilateral declaration that they were in compliance with international law when they did what they did, nor should we have, and we would not of course accept a Russian legislative Act to say that the invasion of Ukraine by Russia was in compliance with Russia's international law responsibilities.

Let me make it clear that I am not, of course, suggesting that what the Government have in mind here is in any way comparable to those two examples, but it seems that the point here is that to arrogate to oneself the right to declare one's own compliance with international law runs the risk of, first, other states finding comfort in our example and, secondly, undermining our own messages in other situations. That makes this not just bad law, but bad foreign policy.

Stella Creasy: I am pleased to hear what the right hon. and learned Gentleman has to say on the question of international law. Does he share my concern—and I fully accept that I am not as legally qualified as him—that the Government's own legal advice says that by stating that the Bill is incompatible, it makes it compatible? Is that not worthy of the mad March Hare when it comes to consistency in standing up for the rule of law?

Sir Jeremy Wright: I suspect that what the hon. Lady is referring to is the statement of incompatibility with the convention on human rights and the Human Rights Act 1998 at the beginning of the Bill. Of course, that provision is there for a reason: to allow the Government, if they so choose, to act in defiance of those responsibilities. That is perfectly proper, and I will come on to explain why I think that is something the Government can properly do.

I am concerned about something a little different. Instead of saying, "We don't think this is in compliance with international law, but we're going to do it anyway.", the Bill is saying, "We think this is in compliance with international law; it is down to us to decide that, and we have so decided." That feels to me like something that we could not and should not do. It would be concerning enough, in my judgment, if this Bill only tried to deem the UK's compliance with international law, but it also seems to say that we can deem Rwanda's compliance with international law.

That is set out in clause 1(5)(b), which goes on to say that, for the purposes of this Act, a safe country includes, in particular, a country

"from which a person removed to that country will not be removed or sent to another country".

So far so good; that is essential, to me, to doing what the Bill seeks to achieve. However, it goes on to say, "in contravention of any international law".

Again, it cannot lie in the hands of this Parliament to decide whether or not a person may be removed to another country in contravention of any international law. It goes on in sub-paragraph (b)(ii) to say that a country would be a safe country

"in which any person who is seeking asylum or who has had an asylum determination will both have their claim determined and be treated in accordance with that country's obligations under international law."

It seems to me that the Bill is seeking to say that, if we deem it so, not only is the UK in compliance with its international law responsibilities, but Rwanda is going to be as well. That feels to me not valid and somewhat over-ambitious.

Sir William Cash: Does my right hon. and learned Friend, who has great experience as a former Attorney General, agree that the deeming provisions under the European Union (Withdrawal) Act 2018 create a rather similar situation, because we deemed EU law to be UK law? Therefore, on the analogy he has just given, I imagine he would argue—though I think he might even have been Attorney General at that time—that that did exactly the same sort of thing, although I am listening with great interest to the more precise point he is making about the relationship with international obligations, on which I will speak later.

Sir Jeremy Wright: I am grateful to my hon. Friend for his intervention. I know, Dame Rosie, you would not want me to abuse the privilege you have given us to range slightly more widely in this debate to range quite that widely, so I will not. He is right that I am making a fairly precise point about what this language appears to me to say. I stress that I do not think it is necessary to include this language in order to achieve the objective that the Government have set in this legislation—with which I have some sympathy, although their methods make me nervous, and I make no bones about that. Worse than unnecessary, it presents some dangers that I do not think we need to present in order to achieve the Government's objectives.

I suspect my hon. and learned Friend the Minister will tell me in a few moments' or hours' time that I do not need to worry about any of this. He may give two reasons for that. First, he may say that the Bill does not mean what I think it means. You will forgive me for saying this, Dame Rosie, but I am increasingly troubled that in this place we answer points such as mine by saying, "Yes, well, it doesn't really mean that, and we don't really mean that by it." We should be concerned as legislators with what the language we are passing into law actually says, not what we meant to say. I am concerned that what this language says is not in accordance with what I am sure the Minister wants to do or what the Government want to do, but it might none the less have that effect, or be taken by others to mean the things that I am concerned about.

When the Bill says what a safe country is, it is potentially confusing two different things. One is deeming our own compliance with international law, which I do not think any country should be able to do, and the other is saying that Parliament resolves to do something

even if it contravenes the UK's international law obligations, which, going back to the previous intervention by the hon. Member for Walthamstow (Stella Creasy), I do think the British Parliament can do. We as a legislature can resolve to do that if we so choose.

We have to decide whether that is a wise and sensible thing to do, with all the ramifications it might bring, but as a matter of law it seems to me that the UK Parliament can, if it wishes, pass a law to say, "Despite or irrespective of our international responsibilities, this is none the less what we want to do." That is not the same as deeming our own compliance with international law, which I worry this language almost certainly seems to do.

The point I make about the UK Parliament being able to do things even when they contravene its international responsibilities is already in the Bill and reflected in the language of clause 1(4)(b), which points out that

"the validity of an Act is unaffected by international law."

Quite right. We can, if we so choose, deem a country a safe country for the purposes of domestic decision making if we want to. What I do not think we can or should do is legislate to say that we comply with our international law responsibilities when we do not—and when, crucially, to achieve the objective of this Bill we do not need to.

The second reason the Minister may give for why I do not need to worry myself about all this is that he may say that domestic and international law exist on different planes, and that this legislation is only targeted in any event at domestic authorities, so the Bill could not, even if it chose to try, deem our compliance with international law in actual fact. I would agree with that. It is perfectly true that domestic law and international law operate on different planes, and it is not likely that this Bill could determine any question of international law before any international tribunal.

If that is so, though, why include the language? If it does not have any meaning or legal effect, it does not serve any purpose, but I fear it may send a damaging political signal to other states. The language I am concerned about, which amendments 54 and 55 would remove, is either offensive or otiose, and in either respect the Bill would be better without it.

Joanna Cherry: It is a pleasure to follow the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright). I find myself in agreement with much of what he said, and he made his points very forcefully.

I rise to speak to amendments 32, 33 and 34 and new clause 4 in my name and amendments 4 and 5 in the name of my hon. Friend the Member for Glasgow North (Patrick Grady), and to support the amendments in the name of my hon. Friend the Member for Glasgow Central (Alison Thewliss). I also want to comment on clause 3 and clause 5 stand part and the amendments that have been put forward, particularly by the right hon. Member for Newark (Robert Jenrick), in my capacity as Chair of the Joint Committee on Human Rights.

I turn first to my amendments, which relate to the impact of this Bill in Scotland, and in which respect I am speaking in a personal capacity. My amendments and those of my hon. Friend the Member for Glasgow North deal with the extent of the Bill, its extension to Scotland and the date of its commencement in Scotland.

We both seek to prevent this Bill's extending to Scotland and, in the event that we are not successful in doing that, my amendments seek to ensure that the Bill will not extend to Scotland without the legislative consent of the Scottish Parliament and that nothing in it will interfere with the supervisory jurisdiction of the Court of Session or its nobile officium. I will explain what that means later.

We must not forget that the regime this Bill seeks to impose, together with the Illegal Migration Act 2023, is imposed on asylum seekers across the United Kingdom, not just those who arrive in small boats on the Kent coast. The UK Government have not forgotten that, and that is why they want this Bill, with its far-reaching and unprecedented ouster clauses, to extend to Scotland. Accordingly, asylum seekers in Scotland looking to our courts for protection will find that the courts in Scotland have been emasculated in the same way as this Bill emasculates the courts of England and Wales.

As well as having their jurisdiction ousted on certain matters of fact, as was debated yesterday, the Scottish courts will find themselves unable to apply the Human Rights Act or to respect the United Kingdom's obligations under the European convention on human rights and other international treaties. I believe that that constitutes a serious and unprecedented intrusion on the jurisdiction of the Scottish courts, and a serious interference with the separation of powers between legislature, Executive and judiciary. I do not think that this Parliament should be rubber-stamping the Bill at all, but particularly not in relation to Scotland.

2 pm

What the Bill seeks to do in emasculating the jurisdiction of the Scottish courts in relation to asylum seekers is anathema to the Scottish constitutional tradition. People in Scotland do not want it; they did not vote for it—in fact, nobody in the UK voted for this, because the policy was not in the Government's manifesto. In contrast to England and Wales, no opinion polls carried out in Scotland support the Bill. As the great Scottish judge Lord President Cooper noted in the famous case of *McCormick v. Lord Advocate* in 1953:

"The principle of the unlimited sovereignty of Parliament is a distinctively English principle, which has no counterpart in Scottish constitutional law".

In Scotland, it is the people who are sovereign. That makes a difference to our view of how constitutionalism works and on the separation of powers.

It is the essence of the Scottish constitutional tradition that Executive power should not be unchecked. That goes back in our history as far as the declaration of Arbroath in 1320, when Scottish nobles asserting the sovereignty of the people of Scotland in a letter to the Pope told his Holiness that if the King of Scotland should ever seek to make Scots subject to the King of England again, they would kick him out and seek another King to defend him. In Scotland, the sovereignty of the people is our guiding principle, not the sovereignty of the monarch. Neither our Parliament nor this Parliament is sovereign. It is the people who are sovereign.

Let me turn to the jurisdiction of the Scottish courts. This Parliament—this Union Parliament—exists because of the Treaty of Union. Scotland has always had a separate legal system. Article XIX of the Treaty of Union between Scotland and England protects that separate

legal system, including its inherent supervisory jurisdiction and the nobile officium of the Court of Session, which is a power that the Court of Session has to give remedies where otherwise there would be none. Since the modern advent of devolution by virtue of the Scotland Act 1998, the civil jurisdiction of the Scottish courts, including judicial review, has been a devolved matter and therefore properly one for Scotland's Parliament, so I believe that the Bill is a grave intrusion of the civil jurisdiction of the Scottish courts, and that is the reason for my amendments.

The Scottish Government are considering a legislative consent motion. My amendment 34 would ensure that the Bill cannot come into force in Scotland without a legislative consent motion. My new clause 4 would ensure that, notwithstanding anything in the Bill—I like a nice notwithstanding clause, and I hope that Conservative Members who have been so excited about notwithstanding clauses will support my Scottish one—the supervisory jurisdiction and the nobile officium of the Court of Session would be preserved. In that way, I hope to ensure that asylum seekers in Scotland will still have the protection of the courts, in accordance with our constitutional tradition. Just to explain, the nobile officium of the Court of Session is a noble office or duty of Scotland's highest court—a sort of extraordinary equitable jurisdiction by virtue of which the Court may, within limits, mitigate the strictness of the law and provide a legal remedy to people where otherwise none would exist.

Sir William Cash: Without prejudice to the content of what the hon. and learned Lady is saying otherwise, may I simply say in relation to her notwithstanding clause that I am extremely glad that the Scottish eagle has landed?

Joanna Cherry: I certainly will not be supporting the other notwithstanding clauses in the Bill, but I felt that it was perhaps time that we had one that benefited Scotland for a change.

My amendments are designed to protect Scotland's courts and constitutional tradition. They are there to ensure that asylum seekers in Scotland might still enjoy the protection of the courts from the infringement of their fundamental rights. That is what people in Scotland want, and it has been expressed repeatedly through the Scottish Parliament. I am, of course, a Scottish MP and a member of the Scottish Bar, and I am here to do what I can to protect Scotland and its legal system from the extraordinary attack on human rights and the rule of law that this Bill constitutes.

However, I am not a Scottish exceptionalist. I recognise that—as reflected in the House of Commons Library's excellent legal briefing on the Bill, and indeed in the speech that preceded mine, by the right hon. and learned Member for Kenilworth and Southam—concerns about the impact of the Bill on the rule of law and the constitution are shared by many in England, including many lawyers. For every lawyer cited by Conservative Members in favour of the Bill and the draconian amendments to it, they will find two lawyers who disagree.

The Library briefing, which is an excellent summary of the different legal views on the Bill, concludes:

“Tension between the sovereignty of Parliament to legislate, and the role of the courts in enforcing the rule of law principle that executive bodies must exercise their powers within their

statutory limits, may be tempered by restraint on both sides. If either the courts or Parliament ceased to exercise such restraint, significant constitutional uncertainty could result.”

I believe that if we pass the Bill, this Parliament will have ceased to exercise the restraint referred to there—it would be a major departure from such restraint. I predict that, if the Bill passes, we will see what might be an unprecedented constitutional challenge to an Act of the British Parliament.

Sir John Hayes: The hon. and learned Lady is making a good point about the checks and balances that prevent arbitrary power, and she is right that that is central to our constitutional settlement, but this is not the exercise of arbitrary power, because the Bill, and the amendments to it, are quite specific about their provisions. For example, in the amendments tabled by my right hon. Friend the Member for Newark (Robert Jenrick), our separation from the international obligations that I know she holds so dear is very specific to this particular legislation. That is not arbitrary—it is anything but.

Joanna Cherry: The Bill seeks to carve out a group of people coming to our country, or who are in our country, from the protections that the rest of us enjoy. History shows us that that sort of legislation can put a state on a pretty slippery slope. That brings me to my arguments in relation to clauses 3 and 5 stand part.

The Joint Committee on Human Rights has not yet had the chance to complete legislative scrutiny of the Bill given the speed with which it has passed through the House, so we have not as a Committee reached a concluded view on the Bill. However, before Christmas and before Second Reading, a Chair's briefing paper referring to the legal advice that the Committee had received was published, and it is extensively referred to in the excellent legal commentary published by the House of Commons Library.

The briefing says, *inter alia*, that the disapplication of the Human Rights Act 1998 in clause 3 is very significant. As I indicated a moment ago in my answer to the right hon. Member for South Holland and The Deepings (Sir John Hayes), human rights are meant to offer a fundamental level of protection for every person on the basis of their humanity alone. As our Committee has noted in a previous report, if those protections are disappplied when they cause problems for a policy goal, they lose their fundamental and universal character. Arguably, that is especially the case when they are disappplied in respect of a particular group. In this case, fundamental human rights are being disappplied in respect of migrants who come to the United Kingdom without prior permission.

Bills that disapply parts of the Human Rights Act are not unprecedented under this Government, I am sad to say. Both the Illegal Migration Act and the Victims and Prisoners Bill have sought to disapply section 3 of the Human Rights Act in respect of certain legislation. However, this Bill seeks to disapply section 6 of that Act—the obligation on public authorities to act compatibly with human rights—which has never before been attempted, even by this Government, and represents a significant inroad into human rights protections. If we pass the Bill with clause 3 in it, it will effectively mean that this

Parliament is authorising public authorities to breach human rights. That is an awful long way from what this Parliament intended when it passed the Human Rights Act, and what the United Kingdom intended when it signed up to the convention.

As we heard at some length yesterday, as a result of parliamentary sovereignty, if we pass the Bill, breaching human rights would be in accordance with our domestic law. However, it would still violate the UK's obligations under the convention, because we cannot unilaterally change what the convention says. Also, as the Bingham Centre for the Rule of Law has noted in its briefing on the Bill, if we disapply the Human Rights Act in the manner proposed, we are also breaching article 13 of the convention, which entitles people to an effective remedy.

I am afraid to say that the amendments to clause 3 tabled by the right hon. Member for Newark, who is no longer in his place, would make the situation even worse. His amendments 11 and 12 appear to extend the disapplication of the Human Rights Act to anything done under the Illegal Migration Act that relates to the removal of a person to Rwanda. That could potentially mean that the detention of people awaiting removal to Rwanda and their treatment prior to their removal would not be protected under the Human Rights Act. Is that what this Parliament really wants to legislate for?

Additionally, the right hon. Member for Newark wants to extend clause 3 to disapply section 4 of the Human Rights Act. As it stands, that clause does not disapply section 4; if the clause remains as it is when the Bill becomes law, it would be open to a court in future to declare that it is not compatible with the convention. That would be through a declaration only: it would not affect the ongoing function of the Bill, or allow removals to Rwanda to be prevented or delayed, but this Parliament and the Government would have to decide whether any changes to the law should be made. If we amend the Bill to disapply section 4 of the Human Rights Act, again, that would be something that has never been done before, and would further restrict the jurisdiction of our courts in saying to the Government and the public what their view is on the law's compatibility with human rights.

Finally, I also believe that clause 5 should not stand part of the Bill. We have heard a lot today about Conservative Members' concern about interim measures issued by the European Court of Human Rights. The reality is that, no matter what this legislation ends up saying, it can only affect domestic law. In respect of the ECHR in particular, the UK will remain bound by the convention as a matter of international law. Indeed, even if this Government—God forbid—were to exercise the nuclear option of withdrawing us from the convention, thereby putting us in bed with Russia and Belarus, we would remain bound for a further six months after withdrawal takes place. I hope they will bear that in mind.

At the moment, clause 5 says that only a Minister can decide whether to comply with interim measures, and that the domestic courts should ignore them. It remains to be seen what a Minister would do, but we all know that the Prime Minister has said repeatedly that he would not let a foreign court—to use his words—prevent flights taking off, which indicates that interim measures may be ignored. As I said earlier, in my intervention on the right hon. Member for Newark, interim measures are made under rule 39 of the Court's rules of procedure.

They do not form part of the text of the convention ratified by the UK, but when we ratified that convention, we signed up to the idea that the European Court of Human Rights is the body that determines its meaning, and since the 2005 case that the right hon. Member mentioned, it has held consistently that failing to comply with interim measures amounts to a breach of article 34.

Interim measures are fundamental to any court—they are issued to protect the position of an individual while their legal rights are determined. All this fuss about people in their pyjamas in the middle of the night is very silly. Judges in the United Kingdom, both in the English jurisdiction and in the Scottish jurisdiction, are regularly got out of their bed in the middle of the night to issue interim injunctions in England and interim interdicts in Scotland. It is a standard part of any legal system, and many of the concerns that Conservative Members have expressed about those interim measures have now been addressed by the Court in the reforms it is proposing.

Any decision of a Minister not to comply with an interim measure would be inconsistent with our obligations under the ECHR. That means that if we let clause 5 stand part of the Bill, we will expressly authorise British Government Ministers to act in breach of international law. That is the reality, and I note that according to *The Times*, that is the advice that has reportedly been given to the Government by the Attorney General and by the Minister, the hon. and learned Member for Mid Dorset and North Poole (Michael Tomlinson), when he was Solicitor General. That does not surprise me at all; it should not surprise anyone, because any legal undergraduate would be able to tell them that. As such, in so far as amendments 23 to 25 state that interim measures are not binding, that is inaccurate as a matter of law, and we must understand that they would put the UK directly in conflict with our international legal obligations.

2.15 pm

Madam Chair, I realise that I have taken up a little bit more time than I had intended, but I hope the amendments and new clause that I have spoken to would go some way towards ameliorating the Bill. However, even if they were to be passed, I would certainly vote against it.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): I call the Chair of the Select Committee on Justice.

Sir Robert Neill (Bromley and Chislehurst) (Con): It is a pleasure to follow the hon. and learned Member for Edinburgh South West (Joanna Cherry) and my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright). Although I will not be supporting the hon. and learned Lady's amendments, I have great respect for the intellectual rigour that she brought on Scots law and its application in this case. I say the same about the points made by my right hon. and learned Friend in relation to his amendments 54 and 55. I hope the Minister will think seriously about how we deal with that issue—I am sure he will, because serious points have been raised. In a nutshell, I agree with the proposition that while Parliament can, of course, legislate to do whatever it likes in domestic law, the simple fact is that one cannot legislate away international law obligations or treaty obligations, and it would be misleading to pretend otherwise.

[Sir Robert Neill]

I now turn to the amendments tabled by my right hon. Friend the Member for Newark (Robert Jenrick). I am sorry that he is not in his place, because I have to say that, with every respect, I profoundly differ from his characterisation of pyjama injunctions by a foreign court. Respectfully, I would argue that that characterisation is both inaccurate and rather unworthy. As was observed by the hon. and learned Member for Edinburgh South West, it is perfectly normal for interim injunctions to be issued at difficult hours when the test for them is met, so we should not say that that is unusual. Arguments can be legitimately made about the way in which the rule 39 procedure in the Strasbourg Court works, but let us make them on the basis of an accurate construction of what the Court is about, rather than otherwise.

Danny Kruger (Devizes) (Con): I have great respect for the argument that my hon. Friend is making, and I defer to his experience and knowledge on this issue. I am genuinely interested in his view: he has described a judge in the UK issuing an injunction late at night in the event of what, in normal circumstances, would be an individual situation. Does he really think it is comparable to describe in the same terms the act of a Court that is genuinely in another country and a judge who is anonymous and does not publish the rationale for their opinion, which calls a halt—with the support of the Government, it must be said—to the policy of the British Government, enacting a law passed in Parliament? Surely there is a difference, both of degree and of nature, between the two cases.

Sir Robert Neill: I think my hon. Friend needs to bear in mind that the application that was made to Strasbourg was also about the circumstances of an individual case, so that is no different.

There is a legitimate criticism—one that I have voiced in the past—about the procedure adopted in Strasbourg for these applications in two areas: first, the anonymity of the judge, and secondly, the failure to state reasons. From our point of view, that would not be acceptable, but the answer is not to throw out the whole of the judicial and treaty baby with the bathwater. Thanks to the Brighton declaration that was signed by my noble and learned Friend Lord Clarke of Nottingham, it is possible to make reforms following dialogue between member states, the Council of Ministers and the judiciary of the Court. I am pleased to say that after pressure from the United Kingdom—perfectly properly—the Court itself has indicated that it will consult on reforms to its procedure, which can only be a good thing. That is what I think the balanced position is on that issue.

Sir Robert Buckland (South Swindon) (Con): In fact, further than that, there are already proposed reforms to the interim procedure, which will come into place this year and crucially will remove the anonymity provisions and allow contracting parties such as the UK to make the argument, as I believe applies in this case, that there is not an imminent risk of irreparable damage. We can fly people back from Rwanda, and that is the argument we need to keep making.

Sir Robert Neill: My right hon. and learned Friend is entirely correct, and he and I would probably have very happily argued the UK's case in Strasbourg on those

grounds, so let us be realistic about what we are fighting against. With respect, a bit of an Aunt Sally has been set up because steps are already being taken to deal with the objectionable matters relating to rule 39s, but the principle of them is not itself objectionable.

Secondly, with respect, the characterisation of a “foreign court” is not helpful in these circumstances, because it implies something alien, which it is not the case for international law as a concept or for the Court itself. The fact that it happens to meet in a different place from the UK is inevitable because it has to meet somewhere. We should bear in mind that not only was the UK one of the driving powers behind the creation of the convention in the first place, behind the Court itself and behind much of the jurisprudence of the Court, but the UK does actually have shared ownership of the Court, along with all the other member states.

That is demonstrated not just in the treaty, but in practical ways. For example, the British members of the Parliamentary Assembly of the Council of Europe—Members of this House and the other place—have a role in the appointment of the judges of the Court. My right hon. Friend the Member for Gainsborough (Sir Edward Leigh) and I served at one time on the sub-committee of the Assembly that dealt with that process, and I like to think that we did so diligently, so there is involvement in that process. A British judge always sits on the Court and is a member of the Court. Judge Tim Eicke, the current judge, is a very distinguished international lawyer, and we are very lucky to have him. Two of the recent registrars of the Court, who run its administration, have been British lawyers, and British lawyers appear regularly in cases before the Court.

This is not an alien body; it is a Court of which we have joint ownership. It is our Court, along with that of all the other member states of the convention, and it is wrong to mischaracterise it as something alien. Certainly, in all international matters, as my right hon. and learned Friend the Member for Kenilworth and Southam said, it operates on a different plane, but the tone of comments about its alienness is, with respect, both inaccurate and somewhat offensive. It is also unnecessary for the purposes of this Bill anyway, and that is the point I want to come on to in relation to rule 39.

The amendments tabled by my right hon. Friend the Member for Newark are otiose. They are unnecessary and, frankly, would make a difficult situation worse. As a matter of law, an interim measure under rule 39 is an indication made to the Government of the member state. It is not made to the courts of the member state; it is conveyed to the Government of the member state concerned. Therefore, it is for the members of the Government of the member state—the Ministers—to decide what to do about it.

I personally take the view that we should be very loth indeed to ignore the findings of the Court on an interim matter. As the hon. and learned Member for Edinburgh South West rightly said, it runs the risk of putting us in breach of our international law obligation in that regard. However, the truth is that it is a political decision that the Ministers can take. So what the Bill in its current formulation states is actually no more than a statement of the law as it stands, and we probably do not need clause 5 in the Bill. I am not going to die in a ditch over that, because it is simply stating what the law is already, but, equally, there is absolutely no need for the amendments

from my right hon. Friend the Member for Newark to put bells and whistles on otioseness, if I can put it that way.

Sir John Hayes: I am loth to interrupt my hon. Friend as he is describing not so much the separation of powers as the desiccation of power. However, on the specific point he made about his reticence or reluctance not to abide by the advice of the Court—he said Ministers could do that, but he would not—would he on that basis not have done what the noble Lord Cameron did as Prime Minister when he resisted the overtures from the Court to give prisoners votes?

Sir Robert Neill: I would make two points about that. In fact, I supported the noble Lord Cameron in that regard because it was a political decision. It is also worth looking at the practical politics. Although we were for a period of time at variance with the Court, no harm was done to the polity of the United Kingdom in that regard. No harm was done to the interests of the United Kingdom and no terrible international consequence for us flowed from it. I think the Court got it wrong on that occasion, and one of the problems is that there is no appeal system in the Strasbourg Court, so we have to wait until some future decision goes a different way. I think many of us take the view that, in reality, the Court as currently constituted in Strasbourg—it is perhaps less activist, if I may say so, than its predecessors—might well have found differently in the prisoner voting case. However, the fact was that UK Ministers took the decision, and they did what was right in the UK, which was supported by those in all parts of the House, and no harm was done. So the idea that some terrible consequence will flow for the UK because of the ability to seek rule 39 interim measures is just misplaced.

Sir William Cash: Would my hon. Friend reflect on this fact about prisoner voting? I discussed the matter with the noble Lord Cameron when he was Prime Minister at the time, but it was regarded by the noble Lord Clarke of Nottingham as a “particular political policy”—I think those were the words he used. How would my hon. Friend describe the issue of illegal migration? Would he not regard that as a particular but very important political policy?

Sir Robert Neill: That is why, as it happens, I will not vote against this Bill, because although I have some misgivings, there is a legitimate concern that needs to be dealt with in relation to illegal boats. However, the simple fact is that that is not a reason for the blanket derogation, or the blanket removal of ECHR protections, that is proposed in a series of amendments. That is the difference. My hon. Friend and I are at one, but sometimes a mixture of politics and law arises in these matters. The point I am making is that, frankly, if any Government want to take the political risk of ignoring an interim measure, they can do so under our law as it stands. It happens that they effectively did so on prisoner voting, so they could do that now if they wanted to. I am not going to advise on that, because one has to be very wary not to come to views that may very often not be fact-specific when individual decisions are made.

Sir Jeremy Wright: I do not want to prolong the discussion about prisoner voting, but like my hon. Friend the Member for Stone (Sir William Cash), I remember having conversations about it inside Government. I think

it would be fairer to describe the situation as one in which the UK did not at any point refuse to comply with the judgment, would it not? We have perhaps adopted a more Augustinian approach to compliance: we just have not quite got around to it yet.

Sir Robert Neill: I think that is right. As I recall, the UK Government put a motion before this House, which the House rejected. So we had a perfectly legitimate legal argument that we had taken steps to comply, and Parliament, as it was entitled to, decided otherwise. That is why the whole of my argument with the amendments from my right hon. Friend the Member for Newark is that they are an Aunt Sally—a complete red herring compared with the real issues we are concerned with—and I urge hon. Members on both sides of the Committee to reject them.

Finally, I had misgivings about this Bill, and I spoke about that on Second Reading. I said that it stayed acceptable—just—and I maintain that position. My right hon. Friend quoted the noble Lord Sandhurst, a very distinguished lawyer in the other place. I should say that he is a personal friend of mine. The noble Lord Sandhurst is chair of the research committee of the Society of Conservative Lawyers, and I happen to chair the executive committee of the society. Lord Sandhurst and Harry Gillow, a fellow member of the society, published a very useful pamphlet about the impact of this Bill, and they have updated it in the light of these amendments. Their conclusion, with respect, is that “the Bill goes as far as reasonably possible without risking collapse of the Rwanda scheme as a whole”.

They go on to say in their pamphlet that the Bill as drafted represents the best chance of success for the migration and economic development partnership with Rwanda. So they are on the same side of the argument as me and say that the amendments proposed by my right hon. Friend the Member for Newark take it over the line in terms of being able to deliver the partnership scheme and risk collapsing the whole scheme. It was ironic that my right hon. Friend talked about blowing up the Bill because the truth is that his amendments will blow up the deal with Rwanda, because the Rwandans have made it abundantly clear that anything that breaches international law will be unacceptable to them and they would withdraw from the agreement.

2.30 pm

Not only are the proposed amendments legally unsound and otiose, then, but they are ridiculously bad politics as well because they would defeat the objective of those who want to see people being moved to Rwanda in order to deter the boats. So on both legal and political grounds I urge the Committee to reject the amendments and leave things as they stand.

Gavin Robinson: It is a pleasure to follow the hon. Member for Bromley and Chislehurst (Sir Robert Neill), Chair of the Justice Committee. He said that at times we will see a collision between, or an interface with, politics and the law, and I hope that what arises from my contribution is that there is a third element, which is principle.

Throughout the passage of this Bill, and indeed some of the precursors to it, we have advanced a number of principled positions, one of which challenges the basis

[Gavin Robinson]

of the legal aspiration contained in the Bill, while another rightly makes the challenge that it does not matter how hard some might suggest that this is the most robust piece of legislation if it does not do what it is intended to do and is not going to work, and that it is an unprincipled place to be with the British electorate to suggest that all these steps are in earnest and have some virtue while knowing that they are inconsistent and will not work. I made those points during the passage of the Nationality and Borders Act 2022, and Ministers on the Front Bench at the time told me that I was entirely wrong, that there was no need to strengthen the provisions and that that Bill would do what they said it would. Yet now I hear, throughout discussions on this Bill and in this Committee, the very same people who then occupied the Front Bench adopting the same arguments that we deployed for the Nationality and Borders Bill.

I still find it thoroughly inconsistent in the context of this Bill that our Government have reached the position where they have an agreement with Rwanda that also involves our country accepting refugees from Rwanda, which is therefore a country deemed capable of producing refugees. It is incongruous to me that a country deemed safe by this Parliament should be capable of producing refugees from that very same country. I have not heard a robust argument as to how that is not an inconsistent position.

The Minister for Countering Illegal Migration (Michael Tomlinson):

I am grateful to the hon. Gentleman for giving way and giving me a chance to put him right. I offer the example of the transit mechanism that is in place, whereby Rwanda is already hosting refugees from Libya—Rwanda, in its generosity and safety, is hosting hundreds of thousands of refugees. That is how.

Gavin Robinson: If the Minister is prepared to say that the only refugees who can come to the United Kingdom from Rwanda are those who have been produced as refugees from other countries, that is an absolutely fair point, but I do not think that is the point he is making. I am very happy to let him intervene again but I genuinely do not think that is the point he is making.

The point I am making is that it is entirely inconsistent to say on the one hand that we will accept refugees from a country and on the other hand to deem that country as safe. I accept our right to do it, however, and I do not quibble with the Government's aspiration that Rwanda is a safe country. I do not quibble with that; I just say that there is a complete juxtaposition between on the one hand saying it is safe and on the other accepting refugees from that very same country.

I recognise the nature of Committee stage, but I make the point again to the shadow Minister that this is not about his valiant opposition in Committee or on Third Reading, or what passed on Second Reading; it is about the Labour party's opposition on this Bill, which I have no doubt will fold in the other place. The political choice will be the Labour party's to make; there is no second Session or additional Session of this Parliament. There will be no Parliament Act available to pass the Bill and it is going to be tortured in the other place. The Bill will be tortured in the other place and the only way

it will emerge or emanate from this Parliament is if a political calculation is made by the Labour party that there is too much political cost in opposition to the Bill and they draw stumps and allow it to pass. I reiterate that point; I am saying it very clearly now and I suspect that in a number of months' time the point that is being ignored today will become quite acute in our political discourse.

Stephen Kinnock: I apologise if I did not fully understand the hon. Gentleman's point in his question to me when I was making my remarks. It was specifically about the other place. What I would say to him is that Labour Members of the other place will give this Bill the scrutiny that it deserves and will hold the Government to account. The Illegal Migration Act 2023 ended up going through and getting Royal Assent in spite of very severe and serious reservations, but of course we recognise not only that in the other place we have the duty to scrutinise but that we are responsible for ensuring the proper functioning of Parliament across the board. I say to the hon. Gentleman that I do not think this Bill will be treated in any way differently from any other piece of legislation that would go to the other place, at least from the point of view of my colleagues there.

Gavin Robinson: I am glad to accept that intervention, and the shadow Minister has made his point and I have made my point. I suspect we will find as much safety in the point that has just been made as in that of those who stand bullishly and say that this is the strongest, most robust piece of legislation ever, irrespective of whether it works. I just put that on the record.

As Members will be aware from Second Reading, we have concerns about the operability of the Bill in the light of the UK's withdrawal from the European Union and the legislative framework that surrounds that relationship. That is why our new clause 3 is a notwithstanding clause. I know that we have had some humour around notwithstanding clauses from the hon. and learned Member for Edinburgh South West (Joanna Cherry), but that notwithstanding clause is there because we have concerns, in contradiction to the Government's position, that the claims that have been made in this House and the position that the Government have deployed are not sustainable legally.

Our amendment states:

"The provisions of this Act shall have effect in Northern Ireland, notwithstanding Section 7A of the European Union (Withdrawal) Act 2018",

amended in 2020. That is important from a principled perspective as a Unionist and from a practical perspective as a Member of this Parliament who believes that our immigration policy applies equally across the United Kingdom—it always has applied equally across the United Kingdom. The worry is that the Government are blindly ignoring our concerns and allowing a situation to develop that will cause a fracture in the immigration policy, which until this point has applied equally across the United Kingdom.

I have engaged with the Minister on this issue and I am grateful to him for both making the time available and the courtesy with which he always approaches these issues. Colleagues will recall that we raised this issue on Second Reading and the Minister gave a commitment, which fundamentally comes in two parts: that the Government have never accepted that the rights chapter

of the Belfast agreement engages immigration policy, and furthermore that the Government have in the past robustly defended the position that the rights chapter of the Belfast agreement does not engage immigration policy and have won. They have advanced that argument in court and have won. The argument that the Government are putting forward is predicated on article 2 of the withdrawal agreement—that there be “no diminution of rights” for the people of Northern Ireland whenever the United Kingdom leaves the European Union. As a consequence, and given that they say the rights chapter does not apply to immigration, they say there is no diminution of rights, so this situation is not captured by article 2. We engaged with the Government—

Stella Creasy *rose*—

Gavin Robinson: I will not take an intervention at this stage, because there are a few elements that I want to get out clearly and cleanly. I will then be happy to give way.

The Minister put forward his point, and we exchanged positions on Second Reading about the potential of an updated legal note. I have to say in all candour that the Minister and the Government have been forthcoming in more formally addressing this point in terms of article 2 of the European Union withdrawal agreement alone, and not article 7.

Let us be clear: we as a national Parliament are considering on a national basis our national immigration policy, and our amendment is intended to elicit a response from the Government. Eyes wide open, they could choose to ignore us at this point, to dismiss the concerns that have been raised and ultimately leave it to the courts to decide and the judiciary to determine whether there is cause for concern. Or they could take the simple step on immigration grounds alone to disapply section 7A of the European Union (Withdrawal) Act 2018. That is the choice.

Yesterday I shared with the Minister—I share it with the Committee today—the details of a High Court case in Belfast. It was an application for judicial review by Aman Angsom, and it was interesting reading. Paragraph 94 of that judgment states clearly:

“The combined effect of section 7A of the European Union (Withdrawal) Act 2018...and Article 4 of the Protocol limits the effects of section 5(4) and (5) of the EUWA 2018 and Schedule 1, para 3 of the same Act which restrict the use to which the Charter of Fundamental Rights and EU General Principles may be relied on after the UK’s exit. Thus, the Charter of Fundamental Rights remains enforceable in Northern Ireland and falls within the ambit of Article 2(1) of the Protocol.”

Contained within the charter of fundamental rights is article 18, the right to asylum. Everything we have seen from the Government has engaged the discussion around the rights chapter of the Belfast agreement. It has not engaged the consideration that was resolved and shared in paragraph 94 of that Belfast High Court judgment, which has a completely separate legal construction for the Government’s ambition for how this Rwanda Bill will not apply to Northern Ireland.

The Minister has said clearly on the Floor of the House that the Bill will apply in full in Northern Ireland in the same way as it does in the rest of the United Kingdom. New clause 3 is our attempt, first, to get the Government to rule out the concerns that have been raised by agreeing it. Then, if they should not do so, they should at least articulate their intention, their position, what they believe to be the case, why they

believe that interpretation and why the judgment from Belfast is wrong. I raise those issues on a number of levels: as a parliamentary spokesperson on home affairs and somebody who has engaged on immigration issues for a while, as someone who has voted against previous attempts because I do not believe they are the right approach, and as someone who voted against the Bill on Second Reading because I still do not believe it is the right approach.

I also raise those things as a representative for Belfast. Believe it or not—I say this with no alarm and no theatrics but as a matter of record—House of Commons Library figures from September point out that, across the entire United Kingdom, Belfast has the second-highest number of asylum seekers, housed within our city. We have 78 asylum seekers for every 10,000 of the city’s population. I am not being alarmist about that and I will not over-egg it; I am just making the point that these are important issues, and the unity of our immigration system is important. The protection of our borders is an important issue in immigration terms.

Heaven knows, we have had enough difficulty around the creation of a trade border in the Irish sea that we are having to deal with. We cannot casually, or mistakenly, or through misplaced hope, walk ourselves into the creation of an immigration sea border in the Irish sea because the Government fail to accept the strength of feeling on this issue, the cause for concern surrounding it and the legal and judicial opinion that has been given that leans into it. This is our opportunity to put it right, and we should take it.

I am about to finish, but in fairness I did indicate to the hon. Member for Walthamstow (Stella Creasy) that I would give way, and I mean no discourtesy, so I will.

2.45 pm

Stella Creasy: I appreciate the case the hon. Gentleman is making. My concern is that the Angsom judgment—I looked it up after he and I talked about it—states:

“The applicant and respondent both agree that the rights, safeguards and equality of opportunity enshrined in Strand Three of the GFA do not exclude asylum seekers.”

The Home Office, which brought the case, accepts that the Good Friday agreement extends to refugees in Northern Ireland, yet with this piece of legislation the Government are seeking to exempt them from those rights and therefore undermine the Good Friday agreement. I just wanted to clarify my reading of the ruling he mentioned.

Gavin Robinson: The hon. Lady is entirely right in the quote that she shares. It is fair to say that the Government won that case. We therefore did not see the Government—indeed, they did not have any rationale to do so—taking forward an appeal to defend some of the points that they may well have chosen to defend, but she highlights a frailty in the position, if the Home Office is not accepting a position that it has defended in other cases by saying that the rights chapter is not engaged. That is a frailty of the Government’s position, and that is why, in fairness, the hon. Lady has tabled her own amendment. It is not as fatal as our new clause 3, in terms of the notwithstanding provisions, but it is at least asking the Government not to proceed with the Bill until they are in the firm position to publish a position. This House has agreed that that is the basis upon which we should proceed.

[Gavin Robinson]

I have been in this place for almost nine years. There are many occasions when this House has agreed to proceed in the face of what I believe to be well-grounded, politically supported and principled decisions. It is not an amendment I take comfort from, but I very much look forward to hearing what the Minister has to say, given the day that this is and the potential for Third Reading this evening.

Sir Robert Buckland: I spoke yesterday to the amendments that stand in my name and are potentially subject to Division later, so I will not trouble the Committee on that. My amendment 58 would amend clause 7 to preserve a small element of clause 1—namely, the definition of a safe country. I listened carefully to the reasoned arguments of my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright), whose position is similar to mine, except that he takes exception to parts of clause 1 that I want to retain. I would rather get rid of the rest of clause 1, because it is bad lawmaking, but I will come back to that in a moment.

I might have an answer to my right hon. and learned Friend's sensible question of why the definition of a safe country in clause 1(5)(b)(ii) contains reference to the other country's "obligations under international law." It is simple: that has to flow, because unlike many people's understanding of this scheme, it is not about the offshoring of UK processing, but the wholesale handing to another country of the determination of applications. That is why the measure is in the Bill. I hope that gives him some satisfaction. It is why, in considering my amendments, I decided to retain the entirety of subparagraph (ii) by moving it to the interpretive clauses towards the back end of the Bill. It was the only part of clause 1 that I could see had any function whatsoever.

Sir Jeremy Wright: I understand the argument that my right hon. and learned Friend is making, and I will not be dogmatic about the approach that I set out earlier. Is there not a danger, if we retain the language that he is referring to, that we open up another channel of legal challenge, which is exactly what the Government are seeking to avoid? If the question becomes, "Is Rwanda in compliance with its international law responsibilities?", that is something else that someone may choose to argue if they wish to resist their transfer to Rwanda.

Sir Robert Buckland: My right hon. and learned Friend is absolutely right. I think I have said outside the Chamber that, when it comes to the passage of statute, the principle of "less is more" is not only fundamentally Conservative, but fundamental to good lawmaking. Although the Bill does not weigh in at a heavy number of clauses—it has a mere 10—we as parliamentarians have a continuing duty to demonstrate economy. Any clause—in this case, clause 1—that is titled "Introduction" should give us all pause for thought, if not breaking out into a cold sweat.

It seems to me that the language in clauses 1 to 6 would belong better in a White Paper or an accompanying policy document. We know what the purpose of the Bill is. We have read the treaty, and most of us will have read

the policy document that accompanied the Bill's publication—that is where such language belongs, not in a Bill. That is not just because I have a tidy and ordered mind—well, I try—but because of the very point made by my right hon. and learned Friend: the more words we put into legislation, the more opportunity we give for their litigation and justiciability, and the arguments that will then go before the court about fundamental issues at a high level that, in my view, really should not be the province of litigation.

It is for the contracting parties to a treaty to agree its terms and sign the document, and then either directly, as in the case of Rwanda or, in our dualist system, via the Constitutional Reform and Governance Act 2010—the CRAg procedure that is ongoing—the treaty will come into force. So, to use one of my favourite wartime adages, I must ask my hon. and learned Friend the Minister, for whom I have great esteem: why is our journey really necessary?

In my view, clause 1 needs to go, save for the retention of clause 5. Although we will have a stand-part vote anyway, I tabled amendment 27 just to emphasise my extreme distaste for clause 1. It is a distaste based on the fear that this somehow becomes the norm and we start to see legislation of this nature proliferate. Let us start with clause 2, because that is what the Bill is all about: the safety of the Republic of Rwanda. That is where it should begin. What clause 2 says is clear, and I spoke to it yesterday.

I turn now to clause 3, which throws up a series of interesting questions. I am not a particular fan of section 3 of the Human Rights Act, because I never liked the read-down provisions, which draw the justices—the Court of Appeal and the Supreme Court in particular—into a province where they are acting almost as a constitutional court. We have seen it happen: the read-down provisions where judges in effect pass and reinterpret the will of Parliament. It is a sticky and dangerous place for the Court to go, and I do not like it. If I had had the opportunity and we had done what we said we would do in the manifesto, which I helped to write, we would have updated the Human Rights Act by now. We could have got rid of section 3, so we would not have needed to refer to it in this ad hoc way in the Bill. It was a horrible echo of that Bill of Rights, which happily never saw the light of day—it did not even have a Second Reading, thank goodness—and perhaps some of what I am saying in the context of these amendments and the stand part debates is an echo of my deep distaste for aspects of that failed legislation.

Why have we got clause 3 in the Bill? I can see what the Government want to do—they want to avoid arguments relating to the Human Rights Act—but I am afraid that they cannot get out of jail. As people have an individual right to petition to Strasbourg anyway—I entirely agree with my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) that we helped to set up that Court and have direct ownership of it—we are in effect sending the arguments to that so-called foreign Court. Of course, the danger in allowing petitions to go to Strasbourg without any airing of the arguments in domestic courts is that we do not really get that margin of appreciation evidence that is so crucial for the Strasbourg Court.

I do get frustrated by inelegant, inaccurate comparisons between the Luxembourg Court—the Court of Justice of the European Union—and the Strasbourg Court,

which is a very different place. We have a much wider margin of appreciation, much bigger discretion and much more room in which to make arguments of interpretation and context—indeed, political context as well—about the way in which we do things in this country. Perhaps it is no coincidence that the number of times the United Kingdom is found to be in breach of the convention is vanishingly small.

We have heard about prisoner rights—more cases, anybody? We might remember the Abu Qatada case, which is on all fours with what we are dealing with here. We solved the problem by making sure that Jordan had a fair trial system. If I am right, I think Abu Qatada was tried and acquitted in Jordan, but the point was made. That is the point on all fours with this Bill: if we are to rely on the processes of another country, getting them right in order to be compliant seems to be the best way forward. That is why the Government's treaty approach is to be commended. So, no, I do not see the need for clause 3—get rid of it. We will end up with these arguments whether we like it or not.

I turn to clause 5, which is another clause that, in the words of my hon. Friends, is just unnecessary. I do not see how interim measures equate in any way to the binding nature of final judgments, which article 46 of the convention draws us to, or indeed anything different from the approach that we take to interim injunctions in domestic cases that High Court judges, county court judges—judges of all shapes and sizes—will be enjoined to create or refuse on ex parte or inter partes applications.

In the context of the debate about interim measures, it is important to pray in aid the work done in the plenary sessions of the European Court of Human Rights last year. The rules will be changed, with that coming into effect in 2024. May I ask my hon. and learned Friend the Minister to work with colleagues in the Attorney General's Office—his former Department—and indeed the Lord Chancellor, to ensure that the Council of Europe and the plenary sessions of the Court get on with implementing these changes? The changes to interim measures are really important.

First, the limiting of the granting of interim measures to “exceptional circumstances”—those words do not currently exist in the definition of rule 39—will change the ball game at a stroke. Secondly, there is the end to anonymity for judges, which is a proposal that will be enacted. Finally, and importantly, there is the opportunity for parties to the proceedings to request the court to reconsider its decision. So the United Kingdom will have an opportunity to say, “No, there is no imminent risk of irreparable damage here. We can fly people back from Rwanda if there is a problem.” In any event, because of the measures that we are taking in the Bill, we will not be sending people who are vulnerable or at risk—those who might be terminally ill, pregnant or have some serious condition, whatever it might be—to Rwanda in the first place. We have got the arguments to deal with rule 39 and we should have the self-confidence and the ability to make our case. I think that the reforms to rule 39 will be significant.

I am delighted to have followed the hon. Member for Belfast East (Gavin Robinson), who made a thoughtful contribution. He and I have had some differences of opinion about things in recent days, but he always couches his arguments in a respectful way, and for that I thank him.

Sir William Cash: First, does my right hon. and learned Friend understand that there are those who argue that the rule 39 indications are being used by the Strasbourg Court in a way that is not binding? Has he heard that argument, and does he agree with it? Secondly, with regard to how people react to the manner in which the proposed reforms are being done, can he speak with authority—not that he does not have his own authority—by quoting to us any specific document that demonstrates that the whole thing is now more or less sewn up?

Sir Robert Buckland: I have sources that I was looking at to research this speech. I will send my hon. Friend the links that I have to the European Court web pages that deal with several meetings held in the summer and November last year where the proposals were agreed. Now, the question is implementation in 2024. The Court has not been specific about precisely when these reforms will be brought in. Therefore, now is our opportunity not just as a Parliament but as a Government, together with other member states, to say, “Look, these are welcome. Can you please bring them in?” Hopefully, it will bring them in a way that dovetails with the eventual coming into force of these provisions. My hon. Friend makes an important point, and I will send that information to him.

3 pm

On the binding nature, I made the point that these are not final judgments, so they are not binding in the sense that article 46 bites, and therefore we have a prisoner voting scenario. However, procedurally they have to be abided by, since as a matter of procedure in our own domestic courts, if an injunction is passed, it will be potentially a contempt of that court for any party to those proceedings to do something that would defeat the injunction. My hon. Friend will know that. For example, if there is an injunction to prevent the removal of a particular asset from the jurisdiction, removing it would frustrate the whole purpose of litigation and would be contempt of court. My hon. Friend gets the point.

That is why it is not necessary to add clause 5. We all know the arguments. If we do add it, we get the unfortunate consequence of having to consider the ministerial code and the civil service code. I agree with my hon. Friend—I took the view at the time of the United Kingdom Internal Markets Act 2020 that the drafting of part 3, which never became law, was not a breach of the ministerial code or the civil service code. It was entirely in order, and we were able to do that. That is when I parted company with my good friend Sir Jonathan Jones, the former Treasury solicitor. I did not agree with him about that. I know my hon. Friend would approve of that.

There are other parts of part 3 of the 2020 Act that we need to bring forward in legislation to help our colleagues such as the hon. Member for Belfast East, who nods sagely from a sedentary position. We need to do that. We brought forward that legislation and the Northern Ireland Protocol Bill as a way of leveraging the negotiations, and we were successful. We managed to sort that out through the joint committee between my right hon. Friend the Member for Surrey Heath (Michael Gove) and Maroš Šefčovič, which came to a conclusion on the protocol. From the Protocol Bill we have the Windsor framework. We have different views about that, but that Bill was not necessary. That is why

I say in all candour to my hon. and learned Friend the Minister that we are using the Bill not as a way to leverage negotiation but as a direct enactment of policy. That is why we have to be very careful about it.

I now come to the points made by the hon. Member for Belfast East and the intervention from the hon. Member for Walthamstow (Stella Creasy). We cannot ignore the Northern Ireland dimension. We have seen two very good, nuanced arguments, first about the interaction between the EU charter of fundamental rights and Northern Ireland law, and secondly about the position of the European convention itself and its centrality to the Belfast/Good Friday agreement, which I think we all agree is a fact, whatever our views.

To come back to the point about the EU dimension, the Supreme Court was clear in its judgment about the Rwandan applications relating to cases before it, that there was no role for retained EU law. What the Court said was very clear. The European Union (Withdrawal) Act 2018 was clear that retained EU law no longer applied to the procedures directive, which was the particular directive that we were talking about. However, the hon. Member for Belfast East is right to sound the alarm bells to make sure that we do not inadvertently end up in a position where our immigration law is divided or complicated by the EU law factor, which is undeniably an issue in Northern Ireland law.

Gavin Robinson: I am grateful to the right hon. and learned Member for his contribution. He would accept that the arguments around the particularities of Northern Ireland, should an application come from Northern Ireland, were not considered by the Supreme Court in detail. I am not saying that I am right, but for as long as we have an undetermined position of the Government on one hand juxtaposed with some advocates in Northern Ireland on the other, we need to get it settled. We need to be sure about the position. That is my point.

Sir Robert Buckland: The hon. Gentleman makes a powerful point. I hope that is taken up in the other place as well. As Chair of the Northern Ireland Affairs Committee, I want to discuss that further with him and with Ministers in the Home Office or the Northern Ireland Office—directly with the Home Office would probably be the best way forward.

That opens up the point made by the hon. and learned Member for Edinburgh South West (Joanna Cherry) about the interaction of Scots law with all this. She is not wrong to remind us that Scots law looks at parliamentary sovereignty differently from the law of England and Wales. We cannot get around that. However, I would qualify her remarks by saying that that is overcome by having a United Kingdom Supreme Court, which has at the moment two very distinguished Scots lawyers, in the form of the president and vice-president, who understand these principles deeply. At any time, the composition of that Court will include senior Scots lawyers, and it also has a senior judge from Northern Ireland, Lord Stephens.

The whole function of the Supreme Court is to bring together the slightly differing concepts of constitutional law that undoubtedly exist in our jurisdictions and strike the right balance, based on restraint—we come back to that word again. I will not labour the point I made yesterday, but my hon. and learned Friend the Minister knows that he is walking a tightrope to get this

legislation right. Anything that smacks of a lack of restraint, such as the amendments tabled by hon. Friends—I said obliging things yesterday and I will repeat them today—does not follow that sense of restraint and balance.

It is about the risk of an imbalance not just between the courts of England and Wales and this Parliament, but between the differing jurisdictions of the United Kingdom. That should give us all pause for thought, particularly those of us deeply committed to our Union and who believe in this United Kingdom. I am not saying that my hon. Friends are deliberately trying to undermine that, but I am sounding a word of warning about treading too heavily down this path of exceptionalism and going too far in normalising what were the exceptional circumstances of withdrawal from the EU. I should know about that because I sat on that Front Bench making the case for many of the provisions in the European Union (Withdrawal) Act that are cited by my hon. Friend the Member for Stone (Sir William Cash) and others. Those were exceptional times.

I know that this is an exceptional global challenge, but before I conclude my remarks, I will simply say that we need to tread carefully. If we do not do so, in trying to deal with an external problem we will create internal, constitutional and legal problems of our own. I do not think that any self-respecting Conservative Government would want to do that, and no self-respecting Parliament would want to follow that. For those reasons, I urge right hon. and hon. Members to reject many of the amendments that complicate the Bill, and to follow the maxim that less is more.

Stella Creasy: It is a pleasure to follow the right hon. and learned Member for South Swindon (Sir Robert Buckland) and many of the colleagues sat next to him who have brought an immense level of legal expertise to their concerns about the Bill. Let me try to offer something different, as somebody who is not legally qualified: a lay person's view or perspective on what the Bill is doing, in particular why I tabled and will speak to amendment 9, and why I support the amendments in the name of my Front Bench colleagues.

This is not about the R of refugees or even the R of Rwanda; it is about the R of rights—the rights we enjoy that protect those freedoms and liberties that so many of us fight for, are passionate about, and believe are intrinsic to a good life. The Government state that the Bill is:

“a clear statement of Parliament's view that Rwanda is safe, ‘notwithstanding’ all specified domestic legislation and the common law, and any alternative interpretation of international law including customary international law”.

For those of us who are not qualified, the word “notwithstanding” is doing an awful lot of work to justify the diminution of rights for people in our country and the concept that somehow international law does not protect us.

So much of the anger we have heard about the idea of a foreign court has come from it being about the European Court of Human Rights: that it is an affront to our democracy that that organisation is part of protecting those rights, liberties and freedoms on which we depend. How dare Winston Churchill sign us up to such a thing? How dare he believe that working with other countries was the way to protect those rights? As he said:

“In the centre of our movement stands the idea of a Charter of Human Rights, guarded by freedom and sustained by law.”

The scoundrel. What sort of rights was he trying to protect? What sort of abuses by the state did he dare to think we might need a court to uphold for us? The right to family life? A travesty, surely. The right to privacy? I mean, goodness me, what a terrible thing to be concerned about. The right to freedom from torture or the right to liberty, or even the right to freedom of thought? Well, no wonder we need to look at all this again. How terrible those things must sound to those of us who are not legally qualified and who cannot see the rub there.

Let me to try think through a real world example of why those rights might be upheld by a third party. One could think of somebody, perhaps a Member of this House who did not have the respect and courtesy for other people speaking in this debate to even stay and listen to them shortly after he had spoken; somebody who thought that the rules did not apply to him, that the treatment of others was not something that mattered and who perhaps was far too busy worrying about his social media account. The Chair would want to hold him to account, and rightly so. Goodness, many of us would think he might need legal representation for what could happen next. He would want his day in court. He might not want to be in the Chamber when we were talking about those very issues. He might be concerned about the idea of a judge and jury existing in the same person. The very principles that led to setting up the European Court of Human Rights are ones that we all feel every single day, because it does not just defend those basic things like a right to family life or the right to privacy, it also defends a process by which those rights are upheld. Even if the Chair wanted to take somebody to task for not following the rules in this place, they might at least be entitled to a fair hearing or a fair trial for what they had done.

Yet what the Bill does is remove that concept of a fair hearing from those people in our country who are often some of the most vulnerable: people fleeing torture and persecution. They want to uphold Government Ministers as judge and jury, and it does not even align with their own data on how many people they were granting asylum to when their cases were heard. Nevertheless the point about the ECHR is the point that was understood by Churchill and, I believe, by many of us in the Chamber: we withdraw at our peril the opportunity for that freedom to be heard, that freedom for a fair trial and for somebody else to hear your case against an overbearing state.

3.15 pm

Article 13 of the European Court of Human Rights convention sets out the right to an effective remedy. It dares to impose on state parties, on countries that signed up to the court, that

“Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding”—

that word again—

“that the violation has been committed by persons acting in an official capacity.”

In lay person’s terms, when you think the Government have done you wrong, who do you turn to, to protect you? Rightly, you might want to turn to our courts, but if the Government are setting the laws it makes sense to

many of us who value freedom and liberty that there is a third party that you can adhere to. Frankly, it is a sign that I am getting old that I look at the Conservative party now and I wonder where those libertarians are, those people who recognise, rightly, the concern that a Government might be overbearing and repressive. *[Interruption.]* Freedom-loving indeed, but not enough for their own freedoms it seems from how this Bill starts the inevitable process of removing that right to a remedy. We all know that right-wing Governments might start with refugees, but they never end with their rights when it comes to removing them.

The Bill’s removal of the right to an article 13 remedy would not just have consequences for refugees. Many of us have debated the concept that each person should be able to have their day in court—a concept that lay persons across the world understand, for it is written not just into the European Court of Human Rights and our Human Rights Act but the United States’ convention. It is not some terrible communist, socialist, Marxist idea that people might have a remedy and the idea of due process. It is part of being a state that plays by the rules and treats people fairly. If we start to unpick that in this legislation, it has consequences not just for our immigration system but far beyond the remit that anybody has thought about. For so long it has been a byword for British liberty and freedom that we have been prepared to stand up for the rule of law, play by the rules, and, yes, be part of making them through being part of the Council of Europe. I declare an interest as somebody who took part in one of those elections to vote for one of those “terrible” pyjama-wearing judges who then has to uphold the legislation that we have helped to create.

Where does it have an impact? The hon. Member for Belfast East (Gavin Robinson) talked about the Good Friday agreement and the right hon. and learned Member for South Swindon recognised that too. Let us sound the alarm here. If the Government will not deal with it now, it must be dealt with in the other place. Peace is precious and the peace in Northern Ireland was built on the bedrock of the Good Friday agreement, and the Good Friday agreement is built on the bedrock of the European Court of Human Rights. It is baked into the Northern Ireland peace process. The Good Friday agreement placed a direct duty on the UK Government and all of us in this place to incorporate the European Court of Human Rights and its work into Northern Irish law, so that people in Northern Ireland could challenge an injustice in the courts if their rights were breached. That is not my interpretation. The Good Friday agreement explicitly states

“full incorporation in Northern Ireland law of the ECHR”

and states explicitly that the parties—us and the Irish Government—

“affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community”.

When we start removing those rights, which is what the Bill does by denying the right of a refugee to go to court under article 13, we start undermining the Good Friday agreement because it does affect people in Northern Ireland. It is a principle established in UK law through section 7A of the withdrawal agreement. The Government acknowledged that when we debated it on 12 December. The Home Secretary himself acknowledged that the Bill makes

“differential treatment in different parts of the United Kingdom”

and that somehow

“the Bill will address the practical implications.”—[*Official Report*, 12 December 2023; Vol. 742, c. 749.]

But we have not seen any practical addressing of the implications and the potential consequences for our commitment to upholding the Good Friday agreement, an agreement that I think we would all concur, 25 years on, still matters and therefore is worth fighting for.

It matters because refugees are people too. I do not know why we have to state that in this place, but it seems increasingly that we must. The hon. Member for Belfast East was right to talk about the *Angesom* ruling, but the ruling shows that the Government recognised that just a few months ago. The Government said, in the Court, that it applied to refugees. Section 108 explains explicitly that the applicant and respondent both agreed that the rights and safeguards in equality underpinned by the Good Friday agreement are not excluded from asylum seekers, and that the concept of who everyone in that community was—written into the Good Friday agreement—includes those outside the background of communal conflict.

We could be in a position where there is a frying pan and a fire. If the Government proceed with this measure we will undermine the Good Friday agreement, but if they exempt Northern Ireland so that those rights are upheld they will create a loophole in the Bill, as I am sure Members on the other side of the Benches opposite—I am not sure which part of the mafia contingent that refers to these days—will recognise. It reflects the further chaos and confusion that the Government’s Rwanda legislation causes.

I tabled amendment 9 to address this issue head-on. It asks the Government to do something very simple: to set out how the Bill upholds the Good Friday agreement. Surely that is not a controversial question to ask, but it seems very controversial for us to be given an answer. Messing around with article 13 unpicks not just the Good Friday agreement but part of our trade and co-operation agreement: when dealing with international treaties, evidence that we play by the rules and are therefore good to do business with is part of the reason other countries want to work with us, and that matters post-Brexit, because our reputation is everything. Time and again, the Government have sought to undermine it by suggesting that somehow the rules should not apply to us, and that therefore people should not expect the United Kingdom to stand up for those values, abide by them and uphold them.

Article 524 of the trade and co-operation agreement states:

“The cooperation provided for in this Part is based on the Parties’ and Member States’ longstanding respect for democracy; the rule of law and the protection of fundamental rights and freedoms of individuals, including as set out in the Universal Declaration of Human Rights and in the European Convention on Human Rights, and on the importance of giving effect to the rights and freedoms in that Convention domestically.”

“Giving effect” is the crucial phrase. It makes simple sense to me, as a lay person. There is no point in having rights if you cannot actually use them—if there is no Court, and no possibility of being able to seek a remedy—but that is exactly what the Bill starts to unpick. It is not a surprise to me, therefore, that Nathalie Loiseau, the chair of the committee in the European Parliament that

is charged with overseeing the trade and co-operation agreement, recognises this legislation, unamended, for what it is, namely a direct threat to that.

The worry that many of us have is not about Brussels telling the UK what to do; it is about the fact that we are heading into the months and years before the TCA is to be renegotiated. Next time a constituent comes to a Member with all the paperwork that the Tory hard Brexit has created and the TCA underpins and asks, “What are you going to do to deal with it?”, or asks about the border tax that will be introduced at the end of January and all the paperwork they are going to have to pay for at the end of April, that Member should bear in mind that the opportunity to reduce and remove all that, and to bring back the trade that we desperately need, will depend on those negotiations. Walking into them with the message “You cannot trust a word that we say as a country, because we might say that we will follow the ECHR, but if we think it does not suit us we will not, and what are you going to do about it?” is not the way to get a good deal for British business.

There are consequences from the way in which this legislation has been drafted that we have not even begun to unpick in the House, but today is our last day to do anything about it. We must not look like a country that others do not want to do business with or that is hypocritical, but that is exactly what we are. To those of us who have fought for and defended the rights of people with whom we disagree, that hypocrisy stinks strongly from the Home Office. The Home Office that wants to use the European Court of Human Rights to deny the implementation of the buffer zones for which this Parliament voted on the basis that there would be an article 9 contention under the ECHR is the same Home Office that is seeking to rip up the rights of refugees to use the ECHR when it feels like it. What is sauce for the goose is sauce for the gander. In layman’s terms, everyone can see what is going on here: picking and choosing to suit your own ends, and the consequences for people be damned.

The Bill is contrary to the rule of law because it amounts to a legislative usurpation of the judicial function. It is an assault on our constitution. It is not standing up for liberty and freedom; it is denying those by removing those basic rights, and the Government are doing that in their own legal assessment. I raised this point earlier with a Conservative Member. Again, I am not legally qualified, but I think that the assessment reads like something out of “*Alice in Wonderland*”. It states:

“Article 13 ECHR is engaged but will not be infringed”.

That sounds a bit like “present but not involved” as a way of thinking about legislation. It seems to be saying that because we can say that Rwanda is safe and will always be safe, no concerns can ever be raised about safety. That is a tautology. It does not make any sense, not least given the evidence that there are safety concerns about Rwanda, and the possibility that things might change in future even if we do not accept the evidence of extrajudicial killings, deaths in custody, enforced disappearance, torture, and the persecution of those in the LGBTQ+ community. The assessment then begins to sound a bit more like the mad March hare:

“The Government considers that a Declaration of Incompatibility is sufficient to provide an Article 13 effective remedy for challenges to decisions under the presumption of safety in clause 2 to treat Rwanda as safe”.

To those of us who are not legally qualified, that seems to be saying that something is incompatible to make it compatible. Basically, it is saying that someone can bring a court case—so the Bill is a lawyers' charter. The Government keep telling us that they do not like lawyers, but they seem to want to encourage them to make a lot of money out of badly drawn pieces of legislation that will encourage court cases. That is exactly what the Government's own legal ruling does.

This House can and should do better. Amendment 9 is about resolving these challenges, and showing that we have thought about them. If nothing else, it would give succour to the Court that we had—as we did with prisoner voting—considered the matter, which is often what the Court is asking us to do: not to leave people's rights locked away and inaccessible, but to look at how they are being used. Churchill said at The Hague:

"We welcome any country where the people own the Government, and not the Government the people."

I think that is a very noble proposition. I am sorry that Conservative Members are increasingly advocating our removal from the European Court of Human Rights because they cannot live up to those terrible ideals of a protection of the right to family life or a protection of privacy or, goodness knows, a protection of freedom of thought.

Danny Kruger (Devizes) (Con): Will the hon. Lady give way?

Stella Creasy: Oh, go on, then.

Danny Kruger: The hon. Lady is constantly and sarcastically evoking Winston Churchill. Obviously he did sign up to the ECHR and he sent lawyers to deal with the drafting process, but will the hon. Lady acknowledge that he did not initially think that the United Kingdom would join it; and when he did sign us up to it, there was no right of individual claims to the European Court? It was properly on the plane of international law—between states, which is the appropriate place for this sort of law.

Nor would Churchill accept, surely—and nor should any of us—what the ECHR has become under the jurisdiction of the Strasbourg Court and, I am afraid, our own lawyers. All the articles that the hon. Lady has mentioned, including the right to human life, have been so extended and expanded by the courts ever since that it has become entirely inappropriate for us to belong to the Court in this way. I really do not think that Winston Churchill would have supported what Strasbourg has become, and neither, surely, does the hon. Lady.

Stella Creasy: I am sorry that the hon. Gentleman was not here earlier to be part of the conversation. I am sure that he would want his own right of remedy to explain why he could not be bothered to be here at the start. He would have heard the debate that we had about the original intention of the Court. Let me quote back to him the original document, which states:

"The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties."

From the start, Churchill himself advocated for the Court as a backstop against overbearing Governments that could speak for people and prosecute people in ways that were being talked about after the second

world war without any challenge. I do not quote Churchill sarcastically. I recognise what he saw at the time: the danger of authoritarianism. The hon. Gentleman would do well to reflect on that and perhaps reread some of those arguments—as well as the rules about taking part in a parliamentary debate.

When Churchill talked about welcoming any country in which the people owned the Government, he was talking about democracy, and our courts are an integral part of our democracy because they keep Governments honest, even if they are straining with this current Administration. Just two countries have left the European Court of Human Rights. I was there when we expelled Russia because of its aggression and when we tried to prevent it from coming back. Greece left in 1967 when it was under a military regime and rejoined once democracy was restored. We should be proud and confident in our capacity to speak up for human rights and to recognise that a right to an effective remedy is an integral part of that. There is no point having a right if we cannot exercise it, and that means having a separate body to oversee the process and ensure that it is fair to all parties.

3.30 pm

More pragmatically, we should be worried about messing up our trade deals and undermining peace in Northern Ireland, as this Bill does. I say to the hon. Member for Devizes (Danny Kruger) that it is not woke to be libertarian, to not trust Governments or to think that we need to protect ourselves. It is wack to think that because your Government is in charge, it is okay because they will not abuse their power. All Governments try to do that at some point, and it is right that all Governments face a process of challenge.

This legislation will not stop the boats. What the Government really want to do is stop the vote, but they cannot do that. There will be an election, but not before we have done potentially irreparable damage. The Irish Government have yet to say what they think about this Bill, but the UK Government were clear in the ruling in October that they felt that refugees were covered by the Good Friday agreement. So in tabling this legislation, this Government are undermining their own logic about their obligations under the Good Friday agreement. Even if Conservative Members do not care about the trade and co-operation agreement, let us at least care about the peace process. Let us ensure that these issues about compatibility are not something out of "Alice in Wonderland" but speak to the best of this place and to those obligations, because I promise that we will all regret it if we do not speak up for freedom and liberty in this way.

Suella Braverman (Fareham) (Con): I rise to speak in support of amendment 11, tabled by my right hon. Friend the Member for Newark (Robert Jenrick), which commands the support of 60 of my colleagues. I note the comments made by the hon. Member for Walthamstow (Stella Creasy), and I would like to respond to some of them in the course of my speech.

We are here to fix a problem. It is the problem that we are all seized by, which is stopping the boats. This is our third attempt to fix this problem. We passed the Nationality and Borders Act 2022, we passed the Illegal Migration Act 2023 and we are here again in 2024, the third time

[*Suella Braverman*]

round, with the Safety of Rwanda (Asylum and Immigration) Bill. The British people are fed up. They have run out of patience and they have run out of time, and this is our last chance to get it right.

Amendment 11 seeks to remedy a fatal flaw in the Bill, which is that, as currently drafted, it will lead us directly to a rerun of the scenario that we saw on 14 June 2022, when the Home Office and the then Administration had identified a cohort of illegal migrants and filled a plane ready to take off to Rwanda, but at the 11th hour, pursuant to an opaque process, a decision was made by a still unidentified judge in a foreign court that had the effect of blocking the flight—[*Interruption.*] Does the hon. Member for Glasgow North (Patrick Grady) have something to say?

Patrick Grady: I am not sure why we have to be frightened of foreign courts. What exactly is wrong with a foreign court?

Suella Braverman: I will tell the hon. Gentleman where we have a problem with a foreign court. In that scenario, when English courts had refused injunctions by the migrants to get off the flight, the foreign court overrode English judges, overrode the will of the Government and overrode the will of the British people to control our borders and stop the boats. That is the problem with a foreign court, and that is the problem that we are trying to fix.

When that flight was grounded in June 2022, it was because of rule 39 interim injunctions. Those orders are not contained in the European convention on human rights, and they are not a product or a content of the original convention. They are a creation of the Strasbourg court and the Strasbourg judges, and they have evolved over time pursuant to the living instrument doctrine that is espoused by the Strasbourg court and that has inflated and expanded its remit over decades, beyond anything conceived by the original drafters or any intention set out in the original versions of the European convention.

I believe that no one here disagrees with the aspirations and the content of the European convention on human rights. I do not disagree with anything set out in that document, which contains noble, vital and fundamental human rights that we are all proud to defend fervently and fiercely: against oppressive regimes; against authoritarianism; against genocide; against mass killings; and against some of the worst atrocities history has seen. That is the context of the European convention's genesis.

To respond to the hon. Member for Walthamstow, the problem we are dealing with is the Court. It is the Court that has become politicised. It is the Court that has become interventionist. It is the Court that does not follow the traditional common-law rules of precedent to which the English courts subscribe. The Strasbourg Court and its judges have distorted the original European convention on human rights into something that bears no reflection to its original intention.

That has been exacerbated by Labour's Human Rights Act. In recent decades we have seen a rights culture and litigiousness around immigration, asylum and many other areas. Public sector decision making has been stymied, thwarted and undermined by a heavily resourced,

activist legal industry that is undermining Government decision making, stymying policy making and undermining law enforcement and public safety.

I have a few examples. Take the case of OO, a Nigerian national who was sentenced in 2016 to four years in prison for offences including possession of crack cocaine and heroin with intent to supply. He pleaded guilty to battery and assault in 2017. Those are serious offences. In 2020, the first-tier tribunal allowed his appeal against deportation on the grounds that he had very significant obstacles to integration in Nigeria that outweighed the public interest in his deportation. Despite the seriousness of his offending, and despite the risk he posed to the public, his article 8 rights, interpreted in a vastly elastic way—a distorted, illogical way—operated to stop him being deported.

Article 3 was invoked in the case of D v. UK. We can all agree with article 3, which prohibits torture and inhumane or degrading treatment but, in this case of a non-UK national who was convicted of dealing drugs, the Strasbourg court held that the effect of discontinuing his medical treatment, available in the UK but not in his destination country, amounted to inhumane or degrading treatment under article 3. Why should a convicted drug dealer be entitled to public services here and not be deported?

Sir John Hayes: Surely on that basis almost any deportation could be blocked, for few countries in the world can match the standard of our NHS, and once that precedent has been set every person will claim that they require treatment for the most minor of ailments.

Suella Braverman: I am afraid that my right hon. Friend is absolutely right to highlight that point. Article 3, and a stretched interpretation of it originating in the jurisprudence of the Strasbourg Court, by politicised judges pursuing a political agenda, has led to a perception that here in the UK we have an international health service, not a national health service.

Lastly, let us consider the case of AM (Zimbabwe) in 2022, thanks to which it has now become law that states that want to remove someone have to prove that medical facilities available to the deportee in their home country would remove any real risk that their lifespan would be shortened by their removal from NHS facilities. That is exactly the point that my right hon. Friend has made: the UK Government now have a duty to establish that foreign health services are sufficient before we deport people who may well pose a risk to public safety and, in some cases, national security in this country.

Those are the overall problems with the Court—not the convention, but the Court. Rule 39 is another symptom of the problem that we have with the Court and the judges, which is why the amendment is vital. It will make it clear that rule 39 orders are not binding and that it will be for the UK Government to make the decision on deportation, not a foreign court—an unidentified judge somewhere far away who does not have the same ambition or aspiration as this UK Government to stop the boats. That is why I will support the amendment enthusiastically today.

Let me conclude by saying that this is our last chance to fix this problem. We have stretched the patience of the British people. This comes down to a simple but profound question: who governs Britain? Is it us, the

democratically elected representatives who have been directly sent here on behalf of the British people, on a clear mandate and with a clear instruction of what to do, and whose laws are passed by a clear and transparent majority, to which we can all be held to account at the ballot box? Or is it an opaque forum many miles away, in a different country, that is distant, outsourced, foreign and does not share our values—

Patrick Grady *rose*—

Suella Braverman: I will not give way.

Is it a forum that does not share our values, that has made decisions time and time again that are odds with what the British people have indicated they want and that has operated to undermine our public safety, national security and good governance?

It is the operation of the Strasbourg Court—we can call it the Strasbourg Court or a foreign court, and we can argue about semantics—the European Court of Human Rights, that we are concerned with here. That Court is currently controlling this country's ability to stop the boats. That Court and its jurisprudence are preventing this Government from delivering for the British people. We made a vow to the British people that we would stop the boats. That was a solemn vow that I took incredibly seriously. It was what people voted for in 2016 in the Brexit referendum by a majority. I know that most Opposition Members do not want to believe in the majority, still live in denial and do not want to accept the facts. It is what people voted for by a huge majority in 2019: to control our borders and to stop the boats. We made a promise.

Stella Creasy: I know the right hon. and learned Lady feels this passionately, but will she clarify her concern about a “foreign court”? What does she think NATO is?

3.45 pm

Suella Braverman: NATO is not a court. I am slightly embarrassed that I have to make that clear to the hon. Lady, as that is really elementary politics. We are being governed by a foreign court and judges who do not have our interests at heart. The decisions coming from that court are stopping us controlling our borders. The amendment will prevent that foreign court from stopping us, so we need to support the amendment because it will fix the Bill. The Bill needs to work. It is our last chance. If we get it wrong, the British people will not forgive us, and they will be right not to do so.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): Order. I now have to announce the results of today's deferred Divisions.

On the draft Immigration Act 2014 (Residential Accommodation) (Maximum Penalty) Order 2023, the Ayes were 331 and the Noes were 51, so the Ayes have it.

On the draft Immigration (Employment of Adults Subject to Immigration Control) (Maximum Penalty) (Amendment) Order 2023, the Ayes were 331 and the Noes were 51, so the Ayes have it.

[The Division lists are published at the end of today's debates.]

Patrick Grady: What a privilege it is to follow the former Home Secretary. The debate has really lit up. There were comparisons earlier between the debate and the next episode in a box set, but I think we have just seen the first act of the next Conservative leadership contest—no doubt the sketch writers and everyone else paying attention have suddenly woken up. She made some incredibly interesting comments. She spoke about vows that were made to British people after referendums and elections; I remember a vow being made in 2014 about how the Scottish Parliament was going to become the greatest, most powerful leader of all Parliaments in the entire world, and look how that turned out.

The former Home Secretary is right that the Government will be held to account and that Parliament will exercise its opportunity to have a say on these issues; that is why the amendments proposed by her and her hon. Friends were voted down last night and, I am confident, will be voted down again this evening. Come the election, a majority of Members of Parliament, including a majority of MPs in Scotland who represent the Scottish National party, will be returned to the House and will vote to repeal the Bill, assuming the Bill ever makes it on to the statute book in the first place.

What is playing out is a debate not specifically about this legislation but about the future of the Conservative party, and some of its past as well. In some ways, it has been a real privilege to debate against the Maastricht rebels of old and to have the opportunity to debate people who were on the television when I was studying for my modern studies standard grade 30 years ago. They still cannot get that determination to rebel against the Government out of their systems. It does not really matter what the Government are proposing—the hon. Member for Stone (Sir William Cash), the right hon. Members for Gainsborough (Sir Edward Leigh) and for Wokingham (John Redwood) and the rest will be against it because they love that sweet taste of rebellion. But the rest of us have better things to do with our time, and we need to get on and demonstrate what our constituents think about the Bill.

We heard at great length yesterday from the hon. Member for Stone about the wonderful concept of parliamentary sovereignty, even though we are debating the clause that explicitly recognises parliamentary sovereignty today. My amendment 31 would remove a subsection in that clause because the assertion of parliamentary sovereignty in such a Bill is an innovation. I would be interested to hear the Minister's response to that point, because the idea of including in a Bill that language about Parliament being sovereign is an innovation. With the help of the House of Commons Library, the only other instance I have been able to find is in the European Union (Withdrawal Agreement) Act 2020.

There are other examples of legislation that imply parliamentary sovereignty and that imply the ability of this House to override courts and make its own decisions. Some of that is in the founding legislation that took us into the European Union in the first place, and also in the Acts that established the devolution settlement. But the line asserting that Parliament is sovereign is something of a legislative innovation.

Given how lyrical the hon. Member for Stone waxed yesterday about the wonder of an unwritten constitution, it strikes me that this is a form of codifying the concept of parliamentary sovereignty—writing down aspects of

[Patrick Grady]

the UK constitution. This seems to be a random piece of migration legislation, which may or may not ever actually make it on to the statute book. None the less, it seems a very interesting way to go about codifying the UK constitution.

The other reason for my amendment is the one cited by both the hon. Member for Kirkcaldy and Cowdenbeath (Neale Hanvey) yesterday, when he introduced his ten-minute rule Bill, and by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) earlier, when she raised the constitutional tradition expressed by Lord Cooper in the case of *MacCormick v. the Lord Advocate* in 1953:

“The principle of the unlimited sovereignty of Parliament is a distinctively English principle, which has no counterpart in Scottish constitutional law”.

My hon. and learned Friend spoke with far greater experience than I can about the significance of that ruling and, indeed, about the wider significance of Scotland’s historically independent legal system to this debate and to this legislation.

That perhaps explains my amendments 4 and 5, which would remove Scotland from the Extent clause because, despite what the right hon. and learned Member for Fareham (Suella Braverman) seems to think about the opinions of the British public, voters in Glasgow North want no part of this. I know that because I speak to them on a very regular basis. A significant number of them are asylum seekers, who regularly come to my surgeries. I hear the horror stories not just of what they have experienced in their countries of origin, but of their experience of trying to deal with the Home Office. Frankly, if more asylum seekers knew that that was what they would be on the receiving end of, perhaps it would have the kind of deterrent effect that the Home Office is so desperately trying to achieve.

In reality, Scotland has always been a country that welcomes refugees, asylum seekers and those who want to make their home there and contribute something to our society—just as so many countries around the world did for the Scots when they were cleared off the land to make way for sheep, or when their crops fell victim to blight or, in the modern world, when people want to study around the world or practise their professions overseas. That is why I also support the amendments from my hon. and learned Friend the Member for Edinburgh South West that say the Scottish Parliament should be asked to give its consent to the Bill before it takes effect north of the border. In reality, the Scottish Parliament will not give its consent, because it is not what the people in Scotland want to see, or how they think a humane system of asylum should work.

The Bill talks about the safety of Rwanda. I asked the Prime Minister about that today. I also put the same question to the Minister who responded to yesterday’s debate. I said that if Rwanda is a safe country and a comfortable place in which people can live out their lives having been granted asylum, why would the potential of being deported there be a deterrent? It does not seem to make an awful lot of sense to me. Both the Prime Minister and the Minister said, “Well, because Rwanda is not the UK,” so not being the UK is itself a deterrent. By the same logic, if the Government came to an agreement with Disneyland and threatened to deport

asylum seekers to Disneyland if they arrived here by irregular means, that too would be a deterrent, because it is not the United Kingdom. Sadly, there is not yet a Disneyland in the United Kingdom, although I suspect that, sometimes, people look at this place and wonder exactly where the fantasy in all this is.

By the Government’s own logic, then, the Bill fails under the weight of its contradictions. That is the point of the definition of the safety of Rwanda in clause 1. The Bill fails under the weight of its own contradictions, and we see that in the contradictory amendments proposed by the two, five or however many opposing factions there are in the Conservative party. The former Home Secretary, the right hon. and learned Member for Fareham, was right that the public will have their say on the Bill. After the next election, I am confident that Members from the Scottish National party will be prepared to support any legislation that the Government who are returned introduce to repeal the Bill—assuming, as I say, that it makes it on to the statute book in the first place.

The First Deputy Chairman of Ways and Means (Dame Rosie Winterton): I will now announce the results of the Ballot held today for the election of the Chair of the Defence Committee. There were 476 votes cast, four of which were invalid. Sir Jeremy Quin was elected Chair with 371 votes. He will take up his post immediately, and I congratulate him on his election. The results of the counts under the alternative vote system will be made available as soon as possible in the Vote Office and published on the internet.

Tim Loughton (East Worthing and Shoreham) (Con): I will be slightly unfashionable and talk to the amendment, rather than regurgitating some of the Second Reading speeches we have had. I do so with some trepidation because sitting to my right is a trio—a former Lord Chancellor, a former Attorney General and the Justice Committee Chair—who speak with much greater legal gravitas, and much more expensively. Perhaps the only upside is that my advice and my talking to the amendment comes for free.

In contributing to the debate, I am largely speaking to the Government side of the Committee. In all the speeches we had yesterday, when the Opposition could not fill the full allotted time for the debate, having complained about the lack of scrutiny—and I guess they may not be able to fill the full time given to them today—we heard speech after speech emulating their Front-Bench team that told us what they do not like, what they are not supporting and what they are not voting for. At absolutely no point did they come up with a practical solution for the very real everyday problems we aim to deal with here. Although we have disagreements on our side as to the methods, what we want to achieve is in common. That goal is something that needs to be tackled, and we are having an honest debate about it. The official Opposition are playing absolutely no part in that debate.

My right hon. Friend the Member for Newark (Robert Jenrick), who has left his place, started the debate by talking to amendment 23 in particular. He described the problem as like pulling the pin out of a grenade but then not throwing it. I do not think that was helpful language, and he then quit the Chamber having thrown

the grenade behind his own lines. We need cool, calm consensus to come up with practical, workable, acceptable and legal solutions.

The Rwanda scheme is not perfect—all of us will agree with that—but frankly it is the only real show in town at the moment to answer this essential question that I raised last week in the Opposition debate, which, again, they struggled to fill with their own speakers. That question is: how do we deal with the people who have come to this country, mostly by small boats, having paid criminal gangs, with no credible prospect of being able to lodge an acceptable asylum claim, but who come from countries to which it is virtually, if not completely, impossible to return them, so they know that once they have made it across the midway of the channel and are in British territorial waters, they are effectively in the United Kingdom for the foreseeable future? That is absolutely the question at the heart of this Bill and the debate today and yesterday.

Alison Thewliss: I have heard the hon. Gentleman make that point before about people who come and cannot be sent back to whatever country because of the situation there. That has occurred within my own casework, and at the moment it appears that the Home Office grants people temporary leave for perhaps a year at a time, which gives no certainty to the person affected but does I suppose give the Home Office discretion to reconsider, rather than giving them permanent status. That already happens, so I would say it is not something he should really be so concerned about.

4 pm

Tim Loughton: I know it happens already. That is what I have been saying, and the hon. Lady at least credits me with being consistent. We have three problems with the immigration system in this country. The first problem is how we can prevent people from leaving those, mostly French, beaches in the first place to make that most inappropriate and most dangerous journey—we can have a different argument about the safe and legal routes, which she knows I support, and whether that would reduce the numbers trying to do it, or whether we could come to some accord with the French so that they would intercept those boats and return the passengers to French waters.

The second problem is that we need to speed up the whole processing—as the Government have, to give them credit—of those people who are in limbo, those who came before the Illegal Migration Act 2023 who are still able to have their asylum applications in this country. We need to get through that backlog as swiftly as possible. We then have a problem with those in limbo post the Illegal Migration Act, who have effectively committed a crime under the terms of that Act.

The third problem in solving the migration process is then removing those people who have not been able to make a credible claim to stay in the United Kingdom. That is why the alternative, of their facing a lottery on whether they will end up in a hotel in Kent or a plane to Rwanda and have their claim instead assessed there, is an important part of the deterrent factor. It is one part, not an overriding part, as some people have tried to caricature it, but an important part of dealing specifically with that group of people whom it is really difficult to remove.

In time, we need more returns agreements, and we have successfully done that with a number of countries—Albania has been cited many times. However, there are countries, of which Iran will be one, with which a returns agreement is frankly impossible and we should not delude ourselves otherwise. It is wrong to suggest that we can solve this problem just by having a further agreement with the French and paying them more money. We have paid the French gendarmerie and police force £480 million already, yet the proportion of successful intercepts has fallen in the past 12 months. We already have joint operations with them. We already have a unit within the National Crime Agency dealing with this issue. The Opposition claim that this problem can be solved by getting better at cracking down on the people smugglers and co-operating with the French, but all that is happening already.

We need to speed up the applications, as I have just said, but that still does not deal with the problem of what we do with people who we cannot then return. That is why I agree with the spirit of what my right hon. Friend the Member for Newark and other hon. Friends are trying to do with amendment 23, but I do not agree with the method, and that is why I will oppose the amendment. Let us just remind ourselves that the reason this Bill has become necessary is in response to the Supreme Court judgment that found the Rwanda scheme to have various specific shortcomings: the refoulement threat and the fact it was a one-way street, which has now been resolved. That is why a number of measures have been brought in with the Rwanda treaty and within this Bill.

This Bill is about allaying fears about not fulfilling our obligations under international law and the implications that may have for the Northern Ireland agreement, as has already been mentioned, and for negotiating trade treaties and other international agreements in the future. However, the Rwanda agreement as it currently stands, before the reforms to it, fell foul of our own courts. It was not just the ECHR or the refugee convention; it was our own courts that ruled against the Government.

The Rwanda scheme needs to be seen to be lawful, not just by Rwanda, but potentially both by other countries who have signified an interest in operating a Rwanda-type scheme as hosts, and by other European countries who are interested in getting part of the action if we are able to get the Rwanda scheme into operation. Ultimately, my aim is to see a co-operation of European and other nations in a joint Rwanda-type scheme—although not one limited just to Rwanda. That could act as an effective deterrent so that far fewer people come across the channel and we can clamp down on those who still use that route, because they have little credible claim to have asylum in this country. For that, we need safe and legal routes operating properly as well, as I have said many times before.

There is a problem specifically with rule 39 indications, or “pyjama injunctions.” I am not a lawyer, but on the basis of the thresholds for which other things can go to court, that is a very opaque process. We have heard about the anonymous judges. They do not issue a full judgment, and the Government cannot make a case at all. Where else is there a legal system whereby the person who is effectively being prosecuted cannot make their own case in front of a judge? Nor is there any appeal facility in this whole operation.

[Tim Loughton]

Those rule 39 indications were never part of the European convention. That was never included in the constitution. There were attempts to include it in the constitution, but they were never supported. Those powers, as my hon. Friends have said, just seem to have been absorbed into the Strasbourg Court by its own fiat. To whom is that Court accountable? Why is the European Council not doing more governance of how those powers have been surreptitiously extended?

Last year, the Strasbourg Court itself admitted that it needs to change its ways and that the operation of rule 39 indications is not satisfactory. It said that, in future, they would be used only in extremis—although we do not know how it defines that—they would be operated by named judges; the Government, in this case, would have an opportunity to present their evidence and be listened to; and judgments would be more transparent. So, the Court itself knows that there is a problem with the rule 39 indications.

We are not the only country that is concerned about the way that the indications have been operated. Too often it seems, we are pilloried as if the United Kingdom Government are serial offenders against ECHR judgments and European convention diktats, but other countries seem routinely to get around rule 39 indications, and we have one of the best records in complying with ECHR judgments. Over the past 10 years or so, no fewer than 400 ECHR rulings have not been enforced or complied with, including 61% of those against Spain, 58% of those against Italy and 37% of those against Germany.

The United Kingdom is one of the best compliers with ECHR judgments. The sort of thing that we have not complied with includes votes for prisoners, about which we have heard. We had a vote about that in this House—largely to indulge the Liberal Democrats as part of the coalition Government, I seem to recall—and forcefully and robustly voted against it, deciding not to go forward with it. I think that that was absolutely the right judgment, and it stays in limbo. We need to reform the ECHR. In the past year, there have been only four judgments against the UK on convention matters.

Yet again, the UK has fallen foul of abiding by rules that too many others ignore, so I support the case for not being bound by rule 39 rulings. As I say, we need urgently to work with our partners, through the Council of Europe and others, to reform those rulings. It is a very opaque governance system. I do not believe, though, that not being bound by these confected rule 39 directions undermines our overall compliance with international law, or with international responsibilities and undertakings.

However, the Bill already says that in a reasonable and balanced way, the Minister has discretion to make the decision not to comply with those rule 39 indications, so we have given the Minister and the Government the power to say, “Actually, we do not think that is right, and therefore for good reason, we are not going to allow that rule 39 indication to apply to this case.” That is a sensible way of proceeding. It is not a mainstream, routine, blanket disregard, which could fall foul of our own courts and have international implications for the integrity of British legislation and governance. As such, I support the spirit of what hon. Members are trying to achieve with amendment 23, but I do not support the method.

We all know that getting this Rwanda legislation through Parliament is a very difficult, complex and sensitive issue. We have to strike a very fine balance between not trampling on international law and enabling our Government to get on with the measures that they were elected to implement, and I think the Government have got the balance right in this Bill, which was not an easy task. That is why I want the Bill to go through unamended—we all have something to gain from that happening.

I will certainly be voting for the full Bill on Third Reading, if that happens this evening, but my hon. Friends need to stop and consider before they pull the pin out of another grenade. If this Bill does not go through, there is no plan B for dealing with those people who we cannot transport back to the country from which they came. There will be no Rwanda Bill, no Rwanda scheme, no deterrent policy, and no obvious end to the small boats. I hope that my right hon. Friend the Member for Newark—who made a very strong case, but, I think, with the wrong ultimate conclusion on the method—will consider the implications of pursuing that conclusion all the way to voting in the wrong Lobby on Third Reading. I hope he will withdraw his amendment and let the Government get on with the job of seeing whether we can get this Rwanda scheme to work, get the planes off the ground, offer a real deterrent, and get this problem sorted out once and for all.

Tim Farron (Westmorland and Lonsdale) (LD): It is a pleasure to serve under your guidance this afternoon, Sir Roger, and to take part in a debate that has been broadly thoughtful, despite very clear differences of opinion. It is also a pleasure to have sat through and enjoyed the speech of the right hon. and learned Member for Fareham (Suella Braverman), who is the very definition of an activist lawyer, so we are grateful to have her with us. I speak in solidarity with the minority of other Members in the Chamber today who are not legally trained—who are not lawyers. It is right that our voices are heard as well.

I rise in particular to speak in favour of amendments 6 and 7, which stand in the name of my right hon. Friend the Member for Orkney and Shetland (Mr Carmichael)—who is indeed a lawyer. First, I want to say something that ought not to be even remotely controversial: the evil trade of shipping people across the English channel in rickety boats needs to be stopped, and those people who are carried across the channel via those means are taking huge risks. We have seen significant loss of life over the years, including in recent times. However, the two amendments I am speaking to seek to challenge the fundamentals of the Bill. I believe this Bill will not do what it says: it will not stop the boats. It will not tackle the issues of deterrence and so on, and even if it did, the Rwanda provisions would tackle only roughly 1% of the number of people who seek asylum in this country.

As well as leading to poor policy, there are a number of errors at the heart of the Bill, because it is based on a series of false premises. There are three basic false premises. The first is the belief that, while this is a global problem and a European problem, the UK's position is especially awful. I have heard incendiary language in this place and outside it relating to our being overrun or swamped, with people swarming across the channel, and that kind of thing. The reality is that

85% of those who declare themselves to be refugees remain in the region to which they have fled, normally the next country, so a very small minority end up in this continent. Germany takes four times more asylum seekers than the UK, France two and a half times more and Spain two times more. Perish the thought, but if we were to place Britain back into the European Union just for a second for a league table snapshot, we would see that the UK is 20th in the league table of countries among the other 27 in the number of asylum seekers we take per capita. The idea that the UK is overwhelmed by this particular problem is not true, and it does not take account of the realities across the continent and across the world.

4.15 pm

It is also worth bearing in mind that the voter base issue the Government are really dealing with, or think they are dealing with, is excessive immigration in general, yet only 7% of the migrants in this country are asylum seekers. The real issue, and where there is an issue of our being overwhelmed, is that the last time I checked, 165,411 asylum seekers are waiting in the backlog. On past experience, 75% of those people will be counted as refugees and given approval by this Government, so we know that the people coming here are broadly genuine refugees, and a different 75%—or a not entirely coterminous 75%—of them are waiting more than six months. When Members get letters in their postbag and emails from people outraged about this issue, it is usually less about the boats crossing the channel than the fact that a local hotel is full of asylum seekers, not being used for its primary purpose, and there is a reason for that.

Those asylum seekers do not want to be in such a hotel; instead, they want to have their cases treated quickly. When I was in Barrow in the constituency of my neighbour the hon. Member for Barrow and Furness (Simon Fell) a few months ago, I talked to asylum seekers who would rather be told to leave the country and be given a negative decision than waiting the year or more that they have waited so far. One guy told me he had been an Afghan interpreter for the British Army in Afghanistan, but we had left him behind, and the only way he could find to get to this country was to come via an irregular route. These are the people we are talking about, and the reason we are in the situation we are in is the Government's failure to tackle the backlog. The first false premise this Bill is based on is that the UK's problem is somehow different and greater than any of our neighbours' or, indeed, somehow separate from the problem that affects the whole of planet Earth.

The second false premise is that the only way to control migration—or 7% of it, because asylum accounts for only 7% of UK migration—is to duck international law and become a pariah. The right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright) pointed out, more eloquently and in more detail than I am going to, the importance of the United Kingdom being credible internationally. We listened to the Prime Minister earlier this week, and we are aware of what the UK Government are doing and what the UK military is doing alongside the US in the Red sea, and the justification for that, which I hear, understand and accept, is that this is about upholding the rule of law. If we want to walk on the world stage and be a leader—to be people

with influence—then we need to be not among those who habitually break the rule of law and think these things do not apply to them.

Sir William Cash: I mentioned this question of global leadership in my speech yesterday for a very good reason. It is to do with reputation, but it is also to do with change. All over the European Union, faced with compulsory quotas and compulsory fines, countries are in a real mess. There is the charter of fundamental rights, and the EU cannot make changes without changes in constitutional law and in countries' constitutions, and they may well have to have referenda. In this country, we are in a different position and can make changes because, in our dualist system, we are entitled to require our courts to obey the decisions of Parliament about sovereignty where clear and unambiguous wording is used. There is the difference, and that is why we can lead the world. Such negotiations are bound to be happening because my hon. Friends at the other end of the Chamber have been saying they believe there will be changes in the European convention on human rights and, for that matter, the refugee convention.

Tim Farron: Of course it is a given that the law changes, and laws change via a variety of different means, including how this place votes. Nevertheless, the UK would be seen to be choosing—in order to tackle a problem in an ineffective way—to disapply the Human Rights Act 1998 and at least to an extent not to comply with international law.

I heard all the disparaging remarks about lefty lawyers, activists, judges, foreign judges and so on, all of which demeans this place and is not what people who are supposed to uphold the constitution ought to be saying, particularly given that the majority of lawyers I have heard speaking in this debate are on the Conservative Benches; if Conservative Members want to describe themselves as lefty lawyers, that is their business, but it is not helpful. But when we have the Law Society saying that the Bill might be incompatible with our international obligations and

“sets a dangerous legal and constitutional precedent by legislating to overturn an evidence-based finding of fact by the UK's highest court”,

we should take it seriously.

There is no doubt whatever that for us to decide to pass a law to say that Rwanda is a safe country is an overreach of Parliament, because if we have evidence to say that Rwanda is safe, present it to the court—do it in the proper way. It is dangerously authoritarian to decide on a matter of fact of law rather than presenting it before the courts. It is not only an overreach, however; it is also ridiculous. If we are going to declare Rwanda safe just because we want it to be, I declare Blackburn Rovers back in the Premier League and Alan Shearer to be 30 years younger and back in a No. 9 shirt playing up front for us—there we are, make it so—but that is clearly not the case, sadly. If there is evidence, we should present it to the court. It is ridiculous for this place to say that somehow it can declare a place safe just because it is convenient for it to do so.

We do not control migration by this kind of sophistry, but deterrence is still appropriate. People have asked what deterrence we are going to have: the deterrent is if we had a functioning asylum system where we actually returned people whose applications failed.

Tim Loughton: On the point about declaring a country safe, France, Germany and other EU countries have decided they will not entertain any asylum applications from Albania because it is a safe country that abides by the same conventions. They have done it; why can't we?

Tim Farron: I think on balance we would say that Albania probably is safe, and the bulk of returns we have had have indeed been to Albania. But I think it is wrong for us to get out of a hole on this individual case in this way where there is evidence that Rwanda is not a safe place; the issue is that we should present evidence to the court in order to achieve that.

Tim Loughton: The hon. Gentleman has just made a discretionary judgment on the safeness of Albania, having said that nobody can determine whether a country should be deemed safe or not. There are many dangerous things going on in Albania, which is why some people are leaving, involving trafficking, drugs and various other things. All I am saying is that European countries will not entertain asylum applications from Albania because they have deemed it not to be suitable and applicable, so why cannot we apply the same criteria to Rwanda?

Tim Farron: I have never been an apologist for other European countries: they make their own decisions, but the clear issue is that this House has been asked to decide on a matter of law when that is a matter for the courts. If there is evidence that Rwanda is safe, we present that evidence to the court. That is the proper way to go about it, and the hon. Gentleman knows that. My opinion on whether a place is or is not safe is neither here nor there; the issue is whether the courts have considered the evidence in front of them. The evidence in front of the courts was that Rwanda was not safe; we do not deal with that by just declaring it to be safe, which is unconstitutional and also ridiculous. We present the evidence, and if the Government have evidence they should present it to the court.

I want to go back to the issue of deterrence, which I was leading into before the intervention. If we want to deter people who do not have a legitimate claim from coming to the United Kingdom, we should be some use at removing those people who do not have a legitimate claim. The fact is that only a quarter of those people who are denied asylum once they have gone through the process are removed, and that is the problem. We have a Government who are incompetent at doing the basics, inefficient, and weak at tackling those people who eventually do get assessed and are shown not to be refugees. The problem is not activist judges, but weak and incompetent Government.

I am not accusing everyone on the Government Benches as being populists, but one of the hallmarks of a populist is that they look at a huge and difficult problem and they come up with a simplistic solution. The reality is that we need to be honest that this is a difficult problem that is not easy to solve. It is a global problem, and we have to work with other countries to try to address it. For example, some of the issues around Yemen will no doubt have been exacerbated by this country choosing to reduce its aid to Yemen.

If we want to influence and stop the flow of people away from troubled parts of the world, we should get alongside those places and try to deal with these things

at source. I would not make any pretence that that will solve the problem, but let us not pretend that trying to attack one part of the symptom is an answer. It is dishonest to claim that this Bill is an overall answer to the problem.

The third false premise is that the provisions of this Bill will even remotely work. At best, on the Government's own figures, a maximum of 1% of the asylum seekers coming to this country will end up being removed to Rwanda, at the cost of £240 million and counting. We could just say, "Why not put that money into a better Border Force? Why not put that money into clearing the backlog? Why not put that money into doing things that actually would deter people from coming?" The Bill will not work, though, and it will not deter people, and let us just think why it will not deter people.

Many refugees who end up in this country, including by coming over the channel, come from Eritrea in the first place. Many would refer to it as the North Korea of Africa. Isaias Afwerki is an awful, appalling dictator. Among the things he does that is a cause of people seeking refuge from that country is conscripting all young men at 18. Many of them, particularly from Christian communities, are then sent to murder their own people. People ask, "Why are so many of the people coming young men?" That is one of the reasons. They seek asylum. Where do they go next? Many will stay in the region.

It is important to understand deterrence. Let us say that some young men—maybe a couple of brothers—have escaped. It was hard to escape in the first place from Afwerki and his evil henchmen, so they leave the country. They end up at some point going through the lawless horror that is Libya. It is utterly appalling, and a country without rules. The experience of what happened post-Gaddafi is a reminder that there is nothing so awful in this world that you cannot make it worse, and Libya is even worse than it was then. They pass through that country with its human trafficking, a massive murder rate and the appalling human rights experiences, and they eventually make it to the Med.

They cross the Mediterranean on to mainland Europe, and then at some point they are asked to make a decision about whether they will cross the 20 or 30 miles of the English channel. That is a piece of cake compared with the horrors they have endured so far. Do we genuinely think that the 1% chance they might get sent to Rwanda is a deterrent at all? It is a reminder, is it not, that Rwanda is a huge distraction from the issues we face.

This Bill assumes a state of affairs that is not true. It assumes that the only way to deal with the situation is to act unconstitutionally, and in a very anti-Conservative and un-Conservative way, I might add. It assumes that the scheme will work when it blindingly obviously will not. Amendments 6 and 7 in the name of my right hon. Friend the Member for Orkney and Shetland (Mr Carmichael) are there to challenge the assumption that to control migration we need to exempt vulnerable people from domestic laws that protect their human rights. We do not need to try to duck out of our obligations under the ECHR by ignoring interim injunctions. These provisions are morally wrong. They are constitutional vandalism and constitute a failure. This Bill is about seeking to distract the electorate from the reality of people's daily lives.

We have a Government failing to govern or to tackle the cost of living and the NHS crisis. One in nine people in my constituency are currently on an NHS waiting list, and the Government are wasting their time on something that is morally outrageous, unconstitutional and will not even do the thing it is set up to do.

The Second Deputy Chairman of Ways and Means (Sir Roger Gale): Order. Before I call Sir John Hayes, may I remind the House that this is not Second Reading debate? It is certainly a debate about the clauses standing part and the amendments, but it is not a Second Reading debate—there is a distinction.

4.30 pm

Sir John Hayes: The debate on the Government side of the Chamber, as my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) said, is not on a difference in aims or ends; it is about the means to those ends. Government Members want to travel to the same destination; what we are debating is the journey to get there. So let us not exaggerate the differences between us. I know that the Minister shares that view. We have engaged with him and hope to continue to do so, even at this late stage, to improve the Bill and realise the delivery of those intentions—the journey to that end.

We have to do so, because mass migration is perhaps the biggest existential crisis facing this country. I do not say that blithely—unfortunately, people say things in this Chamber as though they were definitive and use all kinds of superlatives; indeed, the hon. Member for Walthamstow (Stella Creasy) has made a brand out of that, as we heard earlier. That view would be shared by a large number of my constituents and, as my hon. Friend the Member for East Worthing and Shoreham also said, it is now widely shared in other countries. The Bill and the amendments to it therefore affect our constituents directly and personally, contrary to the contribution of the hon. Member for Westmorland and Lonsdale (Tim Farron), who claimed that it is a distraction. Far from it; we cannot absorb into this country the number of people who are coming as a consequence of both legal and illegal migration in a short period of time without a devastating effect on public services, a displacement effect on investment in the skills of our own people, a displacement effect on the need to reform welfare and, beyond all that, the ability to integrate those incoming people into cohesive societies in which we all share a common sense of belonging.

In dealing with the amendments, we need to be realistic about the scale of the problem and the British public's view of that problem. They know that the vast majority of people arriving here on small boats—about 75%—are men under 40. By the way, about nine out of 10 arriving are male, which is far from the picture painted by some of the critics of the Government and our policy. They know, too, that large numbers of those people are not genuine asylum seekers but economic migrants. That truth is so evident to the electors of this country that they look with bemusement at this place where it is not widely recognised. We hear speech after speech—from Opposition Members in particular, I must say—that seems to be either ignorant of those facts or unwilling to face them.

Alison Thewliss *rose—*

Sir John Hayes: I do not know whether the hon. Lady is the first or the second, but I happily give way to her.

Alison Thewliss: Perhaps the right hon. Member would like to correct the record. Most people who come on small boats are in fact refugees, because the Home Office grants them that status. They are not economic migrants as they do not get economic migrant status; they get refugee status.

Sir John Hayes: What we certainly know about them all is that before they got here they have travelled through safe countries—more than one in many cases—and failed to claim asylum. The hon. Lady is right that we are probably too lax in how we process claims. Certainly, we offer asylum to more applicants than France. On average, we grant a higher proportion of asylum claims than most European countries.

We know, too, that the failure to remove those people costs the British taxpayer an immense amount of money. When I looked at the figures, I was staggered. The cost of asylum is now £3.97 billion. It is extraordinary that a single matter should cost so much. The need for the Bill is justified alone on the basis that we can no longer afford to deal with the current scale of illegal migration. We simply cannot afford for it to continue, as the British sense of fair play has been tested to its limits. The public see that, and they are increasingly disillusioned by the apparent inability and unwillingness of the political elite in this country—we are the political elite, like it or not—to accept the facts.

Progress has been made in clearing the backlog, largely as a result of the efforts of my right hon. Friend the Member for Newark (Robert Jenrick) and my right hon. and learned Friend the Member for Fareham (Suella Braverman). During their stewardship of the Home Office, they focused resources on processing claims more quickly and had considerable success in doing so. But the problem is that as fast as we process people, more arrive.

Until we deal with the root of the problem, we can never really tackle the cost I described nor the disillusion felt by our constituents. That is why the Prime Minister pledged to stop the boats. In order to do so, we need an Act that is as effective as possible. The amendments in the name of my right hon. Friend the Member for Newark, which I strongly support, would ensure just that. Amendments 11 to 18 deal in particular with the Human Rights Act 1998. Taken together, they would fully disapply the Act from the Bill and the Illegal Migration Act 2023, particularly in relation to removals to Rwanda.

A lot of nonsense was spoken earlier about rights; indeed, a lot of nonsense prevails in this House about rights. Rights are fundamentally important. We believe in the essential rights that characterise our country: the right to a fair trial; the right to go about one's business freely and unimpaired; the right not to be arrested without cause; the right to vote in free and fair elections. Those are important parts of what it is to be British, but they do not spring from the ether. They are not a given—it is a liberal myth that rights are natural. Rights are the product of decent Governments in decent places doing the right thing. They are special because we have chosen them, not because they were given to us by some ethereal source. The hon. Member for Westmorland and Lonsdale (Tim Farron), whom I like and respect,

[Sir John Hayes]

will know, because he knows scripture even better than me, that rights do not get a mention in the ten commandments or the Sermon on the Mount. Perhaps he can find a part in either of those to contradict me.

Tim Farron: I did not mean to intervene, but the right hon. Gentleman has tempted me. This is not a liberal thing, as many Conservatives ought to support it. I do not believe there is any case for human rights having any standing whatsoever without some form of metaphysical. He is quite right to say that the Bible does not talk about rights; it talks about individual duties. If I have duties to him, he therefore has rights. I do not believe that rights are made up by human beings; they are literally God-given.

Sir John Hayes: My opinion of the hon. Gentleman has soared to an even greater height. I knew he was the best of liberals—that is not a great thing to be, by the way, but it is better than nothing—and he has confirmed it in that pithy intervention.

The crucial point about amendments 11 to 18 is that they rule out using sections 4 and 7 of the Human Rights Act. We know from experience that the good intentions of Governments, backed up by legislation passed in this place, have been routinely frustrated by what my right hon. and learned Friend the Member for Fareham rightly described as activist lawyers abroad, and, I would add, dodgy lawyers in this country and deluded pressure groups; it is not just malevolent foreigners, but malevolent people here, too. I say to the Minister that the only way we will effect the policy is if we do not allow that kind of gaming of our system by those who come here. I entirely accept that there are among them people whom we should of course welcome. Of course there are people fearing persecution, and of course we should be proud of the fact that we provide a safe haven for people in desperate need—we always have and we always will—but people who are legitimate applicants for asylum are being effectively compromised by a system that does not adequately distinguish them from the very people I have described as gaming our far too lax system.

The Bill is an opportunity to put that right, but only if it is fit for purpose. The amendments are not designed to frustrate the Minister's intentions or to allow the Prime Minister's pledge to fail. On the contrary, they are designed to make his pledge real: to allow it to be effected. For if the amendments are not accepted by the Government, I fear the Bill will do just that: fail and disappoint the very people to whom we made that pledge to stop the boats.

Section 4 of the Human Rights Act deals with declarations of incompatibility and section 10, as I described it, deals with remedial measures. As it stands, they are not excluded by the Bill. That means that unamended, the Bill will allow a court to issue a declaration of incompatibility with the ECHR, which would effectively kill the Rwanda scheme. The Minister must know that that is a possibility at least—we would argue a probability—but even if it is a possibility, why would he not want to exclude that possibility?

Robert Jenrick: Perhaps I could just elaborate on the point my right hon. Friend is making. What is most likely to happen were the amendment not to be accepted

by this place is that on Royal Assent someone will bring a case seeking a declaration of incompatibility for the Bill. That will then go through the courts. If the Supreme Court were then to rule, ultimately, that the Bill was incompatible with the Human Rights Act, it would then be up to this House and Parliament to determine what to do. But if the Prime Minister is correct that the Government of Rwanda would not wish to be a party to any scheme that was in breach of international law, the scheme would be dead.

Sir John Hayes: My right hon. Friend explains exactly the point I was making. The intentions of the Bill are put at risk by the failure to close the loophole. It is just that: an opportunity for people to exploit, in exactly the way he says, the absence of provisions that would strengthen, or in the Prime Minister's word tighten, the Bill sufficiently to avoid such an eventuality.

Miss Sarah Dines (Derbyshire Dales) (Con): All the British people expect is real fairness and hearings with real judges. We have been speaking about the European Court of Human Rights. Is it not the case that many who are appointed to that Strasbourg Court have never even been lawyers—they are not qualified—let alone judges? Often, they are academics, civil servants or even politicians. More recently, as time has gone on, they have been human rights activists. These non-lawyers are often guided by non-governmental organisations, who even help to draft their judgments. They are what Lord Sumption has described as “ideologically committed staff lawyers”. Why should we in this place and in this wonderful country be subservient to that notion of international justice? Make laws here—that is what our people want.

Sir John Hayes: In that pithy intervention, my hon. Friend has described much of the fundamental problem of allowing what my right hon. Friend the Member for Gainsborough (Sir Edward Leigh) described as a foreign court with foreign judges to determine outcomes that directly affect the interests of this country.

Sir Edward Leigh: Will my right hon. Friend give way, on that point?

Sir John Hayes: My hon. Friend the Member for Derbyshire Dales (Miss Dines) advanced so many compelling arguments in her intervention that I want to deal with all of them before I give way to my right hon. Friend.

4.45 pm

There are three aspects of this. The first is that our judicial system is not common but particular and special, being rooted in English common law but also, largely owing to the separation of powers, meaning that our courts are independent from the legislature and the Executive, so we have a strong tradition of both judicial quality and judicial independence. That is not true of many other countries in Europe. I am now happy to give way to my right hon. Friend, who will elaborate.

Sir Edward Leigh: People talk about the European Court of Human Rights in Strasbourg as if it were rather like our own Supreme Court or that of the United States but, as I said earlier, I am a member of the Council of

Europe, so I know exactly how these judges are appointed. We in the Parliamentary Assembly of the Council of Europe appoint them: it is the one power that we have. We are given three names, and we have very little information about who those people are, but it is undoubtedly true—there is evidence of this—that more and more of them are not, like our judges, distinguished lawyers and judges; they are, for instance, human rights lawyers and academics. What is worse about the process is that, unlike our judges, they are not appointed through an independent process. The political groups in the Parliamentary Assembly, dominated by the socialists and the federalist Christian Democrats, join together to appoint the most federalist pro-European judge.

Sir John Hayes: It is that to which I was alluding. The separation that exists in this country between the judiciary and the legislature in the political process and the process of justice simply does not apply in many of the other countries in Europe, and it certainly does not apply further afield. There is a problem of the politicisation of the courts and also, as I said earlier, there is a problem of quality, both of which were referred to by my hon. Friend the Member for Derbyshire Dales and my right hon. Friend the Member for Gainsborough.

Secondly, there is an issue of accountability. The point about law in this country is that it is made in this place. The reason why that is so significant is that this place derives its legitimacy from elections—democratic and fair elections. We were empowered to make laws in this Parliament because we were accountable and answerable to the people. As soon as we subsume that accountability into some pan-national arrangement, especially the kind outlined in my hon. Friend's intervention, we weaken this House, and by weakening this House we weaken the people who send us here. That is partly why their view of the world is so at odds with what I described earlier as the political elite, although what I really mean is the bourgeois liberal elite who dominate far too much of the establishment in all its elements.

Sir Edward Leigh: There is a bourgeois liberal incarnate!

Sir John Hayes: I exclude the hon. Member for Westmorland and Lonsdale. He is liberal but he is not bourgeois—at least, as far as I am aware.

Tim Farron: I am not.

Sir John Hayes: He definitely is not.

The amendments that disappal the Human Rights Act are fundamental to the Bill's success. May I just say as an aside—it is, of course, entirely relevant to the Bill, Sir Roger—that we should, in government, from 2010 onwards, have got rid of the Human Rights Act anyway? It is a Blair construction, through the prism of which all legislation now seems to be seen. It is a very damaging statute that has stymied much of the work of subsequent Governments.

Amendments 23 to 25, taken together, would prevent the notorious rule 39 injunctions—the so-called last-minute pyjama injunctions—which emanate from Strasbourg. These amendments would ensure that the default position was that rule 39 indications were not binding and this was explicitly a matter for Ministers. The Government's own legal advice has made it clear that without amendment

to the Bill, flights may be grounded yet again. Ministers will indeed have the opportunity to introduce exceptions, but will not be bound to do so. The Bill must be amended so that Ministers can disregard rule 39 orders. We really cannot allow Strasbourg judges to overrule this Parliament and halt flights. Decisions must be taken by those elected in Westminster, not by courts in Europe. This is what the people expect of us; it is what the people demand of us.

The Bill may block claims about the general state of Rwanda, but it will still permit individual claims, which will block removal unless such individual claims are explicitly excluded. We know that spurious cases are used to frustrate removal, and thus the legislation will have no teeth. The Minister knows that these things go on for days and weeks and months. These cases are never resolved quickly, and time is short. Consequently, the Government must surely acknowledge that, at the very least, the flights that they, and we, regard as a necessary part of dealing with the scourge of illegal immigration will be delayed.

The amendment will block individual claims and suspensive claims, limiting such claims to exceptional circumstances. There are circumstances, perhaps when a seriously ill person cannot travel, that should be accepted—I hope we would all agree with that—but those will be rare cases. The Home Office has already correctly excluded families, children and pregnant women, but those circumstances are incredibly unlikely, given what I have said about the profile of those people arriving in small boats being overwhelmingly fit men under the age of 40.

This is the third migration Bill in recent times. It is our third and final chance, as others have said, to deliver on our promise to the British people to stop the boats and control our borders. If we fail to strengthen the Bill in the way that these amendments do, it will simply not work, and if we fail to make the Bill work, we will fail the British people. We will have broken our promise to them. Thousands more people will make risky journeys in perilous conditions and our hotels will remain full of those awaiting judgments at enormous cost. The British people will regard this as a failure that is rooted here in this House and in this Government.

The Minister is a good man and a diligent Minister and I am sure he understands the thrust of the arguments that have been made in the Committee today. He will know that, in the end, this is about a fundamental crisis of democratic efficacy: the ability of a nation state to deliver for its people. The greatest Conservative Prime Minister of all time, Benjamin Disraeli, said that

“justice is truth in action.”—[*Official Report*, 11 February 1851; Vol. 114, c. 412.]

This issue is a matter of justice—legal justice and social justice. It is for that reason that the British people want to see the boats stopped. They simply regard it as unjust that our borders are being breached with impunity.

If the elected Government of the United Kingdom cannot remove people who arrive here without permission, a more troubling and profound question must be asked. Who governs our country? My constituents want the Government they elect and the Parliament they vote for to determine who governs Britain. Only by improving this Bill and by delivering the Prime Minister's mission of stopping the boats can we answer that question.

Dame Diana Johnson (Kingston upon Hull North) (Lab): This has been a very interesting Committee, ranging from the metaphysical to MPs feeding each other baked beans, and from a constitutional tour of the history of Scotland to the case of John Hirst, who lived in Hull. He put an axe through his landlady's head, went to prison and fought a campaign for prisoners to have the right to vote—we have discussed prisoners' right to vote in the past.

We have also heard a lot of criticism of lawyers, but I have to say that some of the best speeches we have heard this afternoon have been from lawyers. I do not know whether they count as leftie lawyers, as they were sitting on the Conservative Benches in the majority of cases.

I am conscious that this is not Second Reading, but I refer the Committee to the report on small boat crossings produced by the Home Affairs Committee 18 months ago:

“There is no magical single solution to dealing with irregular migration. Detailed, evidence-driven, fully costed and fully tested policy initiatives are by far most likely to achieve sustainable incremental change that deters journeys such as dangerous Channel crossings.”

We also said that the No. 1 issue the Government needed to address was the backlog, on which I am pleased there has been some progress. The backlog is still about 90,000, but that is an improvement on where we were last year.

I am concerned about amendments 11 to 18 and 23 to 25, tabled by the right hon. Member for Newark (Robert Jenrick), because if they were accepted, they would put the United Kingdom on a collision course with international law. I also want to speak to amendment 36 and new clause 7 in relation to the cost of the Rwanda policy.

Clause 3 disapplies the Human Rights Act, and amendments 11 to 18 would extend this disapplication, thereby extending the permission this Bill grants for public authorities to act in ways that are incompatible with human rights. Specifically, amendments 11 and 12 appear to extend the disapplication of the Human Rights Act to anything done under the Illegal Migration Act relating to the removal of a person to Rwanda. This could potentially include a person's detention and treatment prior to removal, meaning that not only would no legal challenge be possible under amendment 22, which we discussed yesterday, but there would be no specific legal obligation on public authorities to act in compatibility with human rights. Extending the disapplication of sections 2 and 3 of the Human Rights Act to all immigration legislation, as it relates to a person's removal to Rwanda under this Bill or the Illegal Migration Act, would raise serious concerns about unforeseen consequences and unintended human rights violations.

It should also be noted that amending the Bill to disapply section 4 of the Human Rights Act, which has never been done before, does not have any clear legal purpose. It would simply prevent the courts from telling the Government and the public their view on the law. As the Secretary of State has already said on the face of the Bill that he is unable to say that it is compatible with convention rights, no one could reasonably presume that a statement of the same from the courts would have any impact at all, which is why I am querying these amendments.

The former Immigration Minister, the right hon. Member for Newark, opened the debate with amendments 23 and 25, and he talked about taking the pin out of a grenade. Clause 5 concerns interim measures of the European Court of Human Rights, stating that it will be for a Minister, and only a Minister, to decide whether the UK will comply.

At this point, let me again pay tribute to the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill), and the Chair of the Joint Committee on Human Rights, the hon. and learned Member for Edinburgh South West (Joanna Cherry), for their clear explanation of the current situation on these interim injunctions; for setting out clearly what the UK's involvement with that Court is and our long-standing commitment to it; and for setting out that a review is taking place on those interim injunctions, which is very helpful.

5 pm

Amendments 23 and 25 would stipulate that interim measures from the European Court of Human Rights—the so-called “pyjama injunctions”—which halted the removal of the asylum seekers to Rwanda in 2022 are “not binding” on the UK and have “no effect” on a person's removal to Rwanda. Although the amendments allow that a Minister may choose not to remove someone where interim measures have been indicated, amendment 25 makes amendments to existing provisions on the treatment of interim measures in the Illegal Migration Act 2023 that are designed to make it clear that the Secretary of State, immigration officers and the courts must not have regard to interim measures in relation to removals to Rwanda. As we have been discussing, these interim measures are made under rule 39 of the rules of procedure of the European Court of Human Rights and therefore do not form part of the text of the convention ratified by the UK. However, the Court, the body that determines the meaning of the convention, has held consistently that failing to comply with interim measures amounts to a breach of article 34 of the convention itself: the obligation not to “hinder in any way” the right to bring claims before the Court. Therefore, any decision of a Minister not to comply with interim measures would be inconsistent with the UK's obligations under the convention. The legal advice that the Home Affairs Committee has received is that the amendments before us this afternoon would therefore put the UK directly in conflict with the European Court of Human Rights. Worryingly, there have also been reports today in the media that the Government are considering amending the civil service code to require civil servants to ignore interim measures from the Court. The general secretary of the FDA has described that as “madness”. Interestingly, there may be some synergy here with the Minister's approach, because I understand that when he was Solicitor General he backed the Attorney General's advice stating that ignoring a rule 39 order would breach international law and that the Government should not even indicate that they would refuse to comply.

Amendment 36 and new clauses 5 and 7 relate to costs, and I want to look at another aspect missing from the Bill and deserving of some scrutiny: how much this policy will cost. I want to speak to those proposals particularly because of what has happened recently with the attempt by the Home Affairs Committee and Public Accounts Committee to find out about the cost of the

Rwanda policy. There is far too much that we do not know about how much policy will cost and how much taxpayers' money is going to be spent. That is why new clause 7, which would require the Secretary of State to promptly notify Parliament of any payments made under the Rwanda treaty, has merit. I hope that the Minister will look carefully at that new clause. It is why amendment 36, requiring the publication of a full impact assessment on the costs involved in removals to Rwanda and publication of the financial memorandum signed with Rwanda, also carries great merit. As I was saying, the Home Affairs Committee and the Public Accounts Committee have found it very difficult to get basic financial information from the Government on the Rwanda scheme, which is why new clause 5 is also worthy of the Minister's careful consideration.

New clause 5 would place the monitoring committee for the Rwanda treaty on a statutory footing, which would enable greater oversight of the implementation of the treaty. Crucially, it would ensure that Parliament can do its fundamental job of scrutinising Government policy.

As the Home Affairs Committee spelt out 18 months ago in our report, which I quoted from earlier, dangerous channel crossings will stop only when we have the evidence-driven, fully-tested policy initiatives I have talked about, and when they are properly costed. It seems to me that that is plainly not the case at the moment. That is crucial for us not only to delivering a policy that stops small boats, but more widely to ensuring the responsible and effective use of public money.

It is important to remember that when the Rwanda scheme was announced, the permanent secretary at the Home Office required a ministerial direction from the Home Secretary to implement the policy, as the permanent secretary judged—he still holds the same view—that there was no evidence that the scheme would constitute value for money. On that basis, one might think that the Government would be keen to demonstrate exactly how much public money they are spending, to allay fears that the money is not being well spent.

I am very concerned about the position they have got themselves into, as we still do not know how much will be paid to Rwanda in the final two years of the migration and economic development partnership, or the per person cost of relocating an individual to Rwanda. The most substantive update we have received recently on the cost of the scheme came about by accident, because someone apparently mucked up and published details in the International Monetary Fund's board papers. We found out about that unwitting disclosure in a similarly haphazard way, with a late-night letter from the permanent secretary to myself and my hon. Friend the Member for Hackney South and Shoreditch (Dame Meg Hillier), the Chair of the Public Accounts Committee, which he then posted on the Home Office website. It appears that Rwandan MPs are able to find out exactly how much money the British Government are paying for the scheme, but British MPs are not allowed to have the same information made available to us, unless it is disclosed seemingly by mistake.

What we do know is that following the £140 million paid to Rwanda in the financial year 2022-23, there was an additional payment of £100 million in April 2023 and a further £50 million will be paid in the financial year 2024-25. As I have said, the deal with Rwanda is

for five years and the Government are still not willing to tell us exactly how much is pledged in those final two years.

As for the money paid to Rwanda already, we now have some information. I am grateful that the Minister for Countering Illegal Migration was able to provide some information in a letter, which the Home Affairs Committee has published today. It sets out how the £120 million is being spent, saying 39% is spent on education, 21% on infrastructure, 19% on job creation, 13% on health, 5% on agriculture and 3% on information and communication technology.

We know that the Government have also pledged to pay Rwanda a certain amount in relation to each asylum seeker removed there, but yet again we do not know how much that will be. All we have been able to glean from the Home Office is from the economic impact assessment to the Illegal Migration Bill, published at the tail end of its progress through Parliament, which estimated that the cost of relocating a single individual seeking asylum to a third country—Rwanda—would be £169,000 per person. We are told that that represents

“additional costs incurred relative to processing an individual through...the current migration system.”

I understand from previous Immigration Ministers that the cost of processing an individual in the United Kingdom is around £12,000, so there is quite a differential between £12,000 and £169,000.

It is not just those core costs that we are unclear about. There are multiple layers of other possible, probable and prescribed payments involved in the delivery of the policy that we have not been given any detail on. For instance, the treaty with Rwanda establishes a new appeals body for individuals applying for asylum that will be staffed by judges from, we are told, “a mix of nationalities”. Will the United Kingdom be paying for that new international appeals body and its staffing? If so, how much will that be?

The treaty also specifies that any person sent to Rwanda will be entitled to a permanent residence permit. This deals with the refoulement issue that the Supreme Court was concerned about, and it means that a person will stay in Rwanda even if their asylum claim is unsuccessful. We do not know what the financial implications of that are for the British taxpayer and what payments will be paid, if any, to the Rwandan Government in connection with those unsuccessful asylum applications.

The treaty also specifies that the initial asylum decision will be made by individuals who are appropriately trained, and that, for the first six months, no claim will be rejected unless advice has been taken from a seconded independent expert. Will the UK be providing any additional money to Rwanda to train these decision makers and employ these independent experts?

The treaty guarantees free legal advice to claimants during the asylum process. Will the UK be making any payments to Rwanda to back up that guarantee? Again, we have not had anything from Ministers to tell us this basic information to enable us to effectively scrutinise the policy. That is also before the announcement that was made in the written ministerial statement yesterday where the Lord Chancellor set out that there will be 150 lower-level judges appointed to the Upper Tribunal in the United Kingdom to hear appeals quickly. I think

that that was a concession to Conservative Members who were very concerned about the number of appeals that might flow from the Bill.

I did hear the Minister on the news this morning being asked about the cost of the 150 judges, and he was not able to say what that cost was. Again, that is another factor that we need to consider when we are looking at the value for money of this policy. So, given the failures that I have talked about in relation to transparency and given the resistance that the Home Affairs and the Public Accounts Committees have encountered in getting more details on the cost of the Rwanda scheme, amendments 36 and new clause 7 would be very helpful to Parliament in getting that information.

Those are the main points that I wanted to raise today, but, again, I reiterate that a huge amount of political capital and parliamentary time are being spent on this Bill. What we do know, and what the Home Affairs Committee said 18 months ago, is that we still do not have the evidence that this Bill will actually do what the Government think it will do, which is to deter people from getting in small boats and crossing the channel. There is a huge amount of resource going into this, but, as I said at the start, there must be a range of initiatives to deal with illegal migration. There is no one magic policy that the Government can use to stop the problem that we have with small boats. I hope the Minister will take that into account in his closing comments.

David Simmonds (Ruislip, Northwood and Pinner) (Con): May I start by drawing the Committee's attention to my entry in the Register of Members' Financial Interests?

The Ruislip, Northwood and Pinner constituency is a part of north-west London that has been shaped by generations of refugees, starting in the period around the second world war with large numbers of European Jews fleeing persecution. Successive waves of people have come from across the world, finding refuge and becoming part of our community. Understandably, I have a lot of views to share not just about this Safety of Rwanda (Asylum and Immigration) Bill, but about previous legislation that we have had on the issue of migration.

Although I will focus my contribution on the amendments around the role of the European convention and the European Court of Human Rights, it seems to me that, in a debate which at times has become quite philosophical, there is a wide recognition among our constituents that shared sovereignty is often in practice greater sovereignty. I am a big fan of those fine British philosophers, Hobbes and Locke, who talk about the social contract. It is clear that, when we work closely with our neighbours, we achieve the most effective measures against widespread, illegal and irregular migration flows. We have already seen effective work with the French authorities to tackle the activities of some of the gangs in northern France, which has contributed to bringing down the numbers crossing the channel.

In my contribution, I will attempt to add some further evidence to our deliberations in a way that I hope will help encourage Ministers and to emphasise my support for taking forward the Bill in its unamended form, as I know the Government seek to achieve. When we look at the role of sheer sovereignty, many examples well beyond that of the European Court and the European convention

on human rights have a significant bearing on the issue. We look at, for example, the United Nations convention on the law of the sea, which sets out the responsibilities that the United Kingdom and others have in the English channel in respect of refugee boats. That has frustrated the views of past Home Secretaries about how we might specifically tackle that issue, but we have yet to see a great deal of debate in this Chamber about why we should repudiate that convention, despite the fact that the International Maritime Organisation is based just across the river.

5.15 pm

The international tribunal that deals with the convention is based in Hamburg and could similarly be described as a foreign court. Indeed, our own Judicial Committee of the Privy Council acts as the Supreme Court of Appeal for a number of countries and jurisdictions around the world that are not part of the United Kingdom and that are not subject to UK law. Indeed, despite the fact that both the European convention and our own law prohibit the death penalty, our own Privy Council Committee, drawn from parliamentarians in the United Kingdom, has heard appeals, such as the Chandler case of 2011 regarding the death penalty in Trinidad and Tobago.

It is clear that there is a long and established history of nations coming together to establish international conventions, processes and tribunals to administer the law in the interests of not only our harmonious relationships with each other, but the longer-term and greater benefit of our citizens. In respect of that particular problem, it is clear that the work done by the late James Brokenshire when he was the Minister dealing with illegal migration to secure, in particular, the ports and railheads in northern France has contributed to the problem we face today, in that the people smugglers have nowhere else to go, other than small boats, which the Bill aims to stop.

A good deal has been said about the best way we can deal with the role of the European convention on human rights in the operation of the Bill and other matters arising from it. We know the ECHR is a very broad organisation. It came into being after the second world war, as we have heard. My argument for why we should reject the amendments to its role, and in particular those around interim measures, is that we already have an extensive series of levers that we can exercise to shape things. Indeed, the reason those interim measures exist is not merely that judges in the court decided they would like to have them, but because parliamentarians from the UK and other member states, other politicians, Ministers and Governments have argued for that court to take on a greater role over the years in response to the challenges. Some of those challenges have affected, for example, British citizens caught up in the conflict in Ukraine, where those interim measures have potentially influenced the safe return of those people to the United Kingdom.

We have the Council of Ministers—the directly appointed members of our Government who sit together and determine what the priorities of that convention and court should be. We have the Parliamentary Assembly. A good deal has been said about the role of the judges, and it is worth remembering at this point that the judges of our Supreme Court in the United Kingdom and, indeed, our entire judicial process are completely free of political interference.

The judges of the European Court of Human Rights are directly elected by parliamentarians from their member states. Indeed, the legal committee of the European convention on human rights in the Parliamentary Assembly is chaired by my hon. Friend the Member for Christchurch (Sir Christopher Chope), who I would hardly describe as a bourgeois liberal. Like my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), I think its characterisation as a foreign court is no more accurate than it is to say that the international tribunal for the law of the sea is a foreign court or, indeed, that our Judicial Committee of the Privy Council is a foreign court when it deals with matters at the request of other jurisdictions, which it does on a regular basis. Having served on the Congress of Local and Regional Authorities of Europe, the local government element that looks at how those laws are handed down and implemented in practice, it is clear to me that we have a significant number of diplomatic and other levers that we can exercise if we feel that the court needs to move its practice in a different direction. It is also clear that the court has already begun that process in the light of comments from the United Kingdom and others.

My argument is that it is in our interest, because it benefits our citizens and our country, to maintain our membership of the European convention on human rights. The fact that we maintain our active support for and membership of that organisation underpins much of our public influence in the world and gives us the moral authority to ask others to do things. We can seek to address those issues using our elected Members of this House who sit in those assemblies, our elected politicians who sit in other assemblies such as the congress, and our academics and appointees who sit on bodies such as the Venice Commission, which advises on the gold standards for the conduct of elections. We can use all those levers at our disposal to convey our views to the court and the convention organisations about how we should proceed.

In respect of the judges themselves, it was very positive to hear from other hon. Members who have been part of that process, because we know that, contrary to what has sometimes been said, there is a two-stage process: for someone to be a candidate to be a judge, they have to meet the requirements for international judicial appointment in terms of both legal qualifications and relevant experience, and they are then put forward for election by the politicians who place them on the court. Their decisions, certainly in respect of the so-called pyjama injunctions, seem to be very little different from those that magistrates such as I and others across this country will be asked to take on matters of judicial warrants. We are asked to make a decision to enable an intervention to happen at a moment of urgency, and then in due course there is a longer period of opportunity for that to be considered by the courts and all others who may have a stake in it.

Dame Diana Johnson: I am so pleased that we are hearing this very clear explanation of the court and the judges; after what has been said in this debate, it is very refreshing to hear. I thank the hon. Gentleman, who I also think is a lawyer—I do not know if he is a lefty lawyer, but I think he is a lawyer.

David Simmonds: I am grateful to the right hon. Lady. I am not a lawyer, but I served as a magistrate in this country. It is always my pleasure to say that I belong to that even more despised race of human beings, the Tory MPs, and that I was formerly a banker.

I think we are right to have some degree of concern in respect of what is said in the Bill and the amendments about the Human Rights Act. This House needs to strike the correct balance. It is a fundamental principle of British justice, which dates back at least as far as the Saxons, that people may not be subject to a penalty unless they have had the opportunity to be brought before a court, a properly composed judicial authority. Therefore, we should be concerned at the idea that in the United Kingdom we would exempt a group of people from access to our law on the basis of the method of their arrival here.

However, we need to balance that against the fact that people are dying in the English channel, drowning in cold water, and gangs are profiting hugely from that, which is fuelling all kinds of other types of crime. To an extent, we are a victim of our previous success in that the improved security in northern France has created and massively exacerbated the problem we face. That, for me, balances up the risk to a loss of human rights: we need to ensure that we have a really effective deterrent in place to address the problem that has arisen from that earlier success.

It is and remains my view, which I expressed in the debates on the then Illegal Migration Bill, that the point at which we will establish full control of our borders is the point at which we add an asylum visa to all the other types of visas we have, so that there is a single safe and legal route, controlled by the British Government and the rules set by this House, and if people arrive on our shores to claim asylum without having gained that permission first, they are automatically ineligible regardless of their method of arrival. That would mirror the process we already have in place for people who want to come here to work, to study, to marry or to invest in the United Kingdom. We still have not yet put in place an effective process and system that would enable us to do that.

It is clearly crucial, as the weather will soon begin to improve, the smugglers will soon be looking to invest in their stock boats and more people's lives will soon be put at risk, that we keep our eyes on the objective of returning to something more like the Syrian vulnerable persons resettlement scheme, which was described by the UNHCR as a "gold standard" of international refugee resettlement. That is the model on which we based our Afghan resettlement scheme, whatever logistical problems that experienced, and this House has recognised it as the way in which the UK wishes to play a part in refugee resettlement around the world. However, we need to ensure that we deal with the specific problem that arises: small boats in the channel. For all the debates and well-intentioned arguments that we have heard, the Bill, in its unamended form, strikes the best balance available to address that particular problem and ensure that no one else dies en route to seeking asylum here in the United Kingdom. For that reason, I will support the Bill, unamended.

Alison Thewliss: It is a pleasure to follow the hon. Member for Ruislip, Northwood and Pinner (David Simmonds). It was refreshing to hear somebody on the Conservative Benches talking up the merits of an asylum visa. That would break the model of the people-smuggling gangs because it would give people a safe and legal route and safety and certainty. Nobody need be exploited by paying over everything that they own to get into a leaky dinghy in the channel if they could come here for safety and sanctuary by travelling as any of us would travel.

[*Alison Thewliss*]

I understand from others in the Committee that Conservative Members are quite keen to wind up the debate early tonight because they are going to a Burns supper. I am not sure whether that is true, but it is certainly a rumour that I heard earlier. It made me think of some of the things that Robert Burns—I am a big fan of our national bard—might have to say to the Conservative party about the way in which it conducts its business. Let me start with:

“Man’s inhumanity to man,
Makes countless thousands mourn.”

I commend to the Committee the amendments tabled in my name, as well as those tabled by my hon. Friend the Member for Glasgow North (Patrick Grady) and my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry). I will first address clause 3 on the disapplication of the Human Rights Act 1998. That Act was landmark legislation. It is woven into the fabric of our devolved institutions, and it underpins the Good Friday agreement. It should concern us all that a Government without any kind of mandate to do so start picking away the stitching. The Law Society said that the exclusion of the Human Rights Act to this extent is unprecedented.

Speaking of defending the rights of people to migrate, Robert Burns, who has a verse on just about everything, has one on the rights of highlanders against their lairds, who were not allowing them to migrate to Canada. He said:

“They! an’ be damned! what right hae they
To meat or sleep or light o’ day,
Far less to riches, pow’r or freedom,
But what your lordships please to gie them?”

We should give asylum seekers far more than this Government think they have a right to gie them.

Disapplying section 6 removes the obligation for courts and immigration officials to take into account human rights when assessing the safety of Rwanda. Disapplying section 3 limits the protections that courts can provide. Disapplying section 2 forces courts to ignore any European Court of Human Rights rulings of Rwanda as unsafe. Those are important protections: not only do they ensure people’s safety from Government, but they act as a check specifically on the Home Office—a Home Office that we know has long and consistent form in making serious mistakes with long-lasting and life-changing consequences. One need only reflect on the legacy of Windrush, TOEIC—the test of English for international communication—and the highly skilled migrant scandal to know the scale of Home Office incompetence. We need the courts to offer protection against the Home Office’s instinct to deport first and ask questions later.

Amendments 11 to 18 in the name of the right hon. Member for Newark (Robert Jenrick) make an already unjustifiable situation much, much worse. Liberty has stated that they effectively remove the possibility of securing any remedy—much less an effective one—for the breach or threatened breach of rights arising from removals to Rwanda on the basis that it is an unsafe country. Robert Burns said in his “Slave’s Lament”:

Torn from that lovely shore, and must never see it more;
And alas! I am weary, weary O.”

I think we all feel that weariness about the circularity of the Government’s ridiculous arguments. It is unsafe for the refugees who get to come here from Rwanda, but somehow, it is safe enough for us to send people to Rwanda. It makes absolutely no sense.

5.30 pm

This Government’s moving of people to Rwanda against their will is nothing but state-sponsored people trafficking. This Government are now in effect a criminal gang, moving people across the world. People moved against their will, with no regard to their safety and no recourse to appeal, to a country they do not know, involving money and profit—that sounds like people smuggling to me. Conservative Members either cannot see that, or frankly just do not care, because to them, these are not really people who we are talking about. They never have to see them; they never have to engage with them; they never have them crying across the desk in front of them at a community hall on a Friday. It is utterly despicable.

I turn now to clause 5, which deals with interim measures of the European Court of Human Rights. Interim measures are important and, according to the Court’s well-established practice, apply only where there is an

“imminent risk of irreparable harm”.

Clause 5 expands on the previous provisions of the Illegal Migration Act to ignore interim measures. The provisions that we passed under the Illegal Migration Act are not even in force yet—as I mentioned yesterday, it is only 181 days since that Act got Royal Assent, but here we are this afternoon, legislating yet again. Interim measures exist not just in international law, but in our own domestic law. As my hon. and learned Friend the Member for Edinburgh South West said, they often happen late at night. That is the nature of these things: they are last-minute protections for people who have no other recourse or remedy. They are not unusual, but refusing to comply with them—as the Bill sets out, and as the right hon. Member for Newark’s amendments demand—would be a clear and serious breach of international law. No mere technicality here: it would be a serious breach of international law.

Where does that leave us with the Government of Rwanda, whose Minister has been quite clear on the need for this agreement to be compliant with international law? Today, the Rwandan President Paul Kagame said to *The Guardian* that

“There are limits for how long this can drag on”,

and that he would be happy for the scheme to be scrapped entirely. The Government are on very shaky ground here. Are the Minister and the right hon. Member for Newark really going to have us believe that we can cross our fingers behind our back and nobody will know that the UK Government broke international law? They are having us on.

What is particularly daft about clause 5 is that the European Court of Human Rights has already responded to the concerns that UK Ministers have raised. In November last year, the Court provisionally adopted amendments to rule 39 of its rules of court on the procedure for interim measures, tightening up the circumstances and the procedures. The Court is also changing the procedure that Member after Member howled about earlier on, so that judges are no longer

anonymous. I do not know whether, as a result of the amendments Conservative Members have tabled, those judges will be forced to disclose their preferred nightwear—perhaps that is a matter of discretion. The grievance that the right hon. Member for Newark, and the UK Government and their Back Benchers, howl about is being addressed, which makes this Bill even more of a waste of everybody's time, money and energy. What damage does it do when the UK Government continue to behave like a petulant child, rather than engage constructively with the international organisation of which they are a part? They send a judge to the Court—they are part of this process. It is not somebody else's Court: it is our Court. We are part of it.

Furthermore, placing all decisions on compliance with an interim measure in the hands of a Minister is a deeply worrying suggestion—a Minister is far less appropriate than a court. Maybe that Minister will also be in their pyjamas as they sign off a batch of human cargo in the dead of night, but since that will presumably be a British Minister in Union Jack pyjamas rather than a European judge in a blue onesie with yellow stars, Conservative Members will probably think that is perfectly acceptable. They care more about flags than about rights, and they have the cheek to call us nationalists. Deliberately breaching international law is no longer something we need assume a Minister of this particular Government would in any way hesitate to do. The Law Society of Scotland has added to the criticism of that power, saying that it contradicts the doctrine of the separation of powers between the Executive and the judiciary. As the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright) pointed out, such a move would have serious foreign policy implications.

I support the amendment tabled by the right hon. Member for Orkney and Shetland (Mr Carmichael), and while I appreciate its intention, it is hard not to feel that the amendment in the name of the official Opposition is merely an attempt to water the clause down by having a Minister consult with their Attorney General. Given that the right hon. and learned Member for Fareham (Suella Braverman) was the Attorney General before being Home Secretary and then signing the amendments tabled today that undermine human rights, I am not sure that is the protection that the official Opposition think it is. I note the various amendments and the efforts of the right hon. and learned Member for South Swindon (Sir Robert Buckland) and his colleagues to amend this Bill, but I think we all know that they are on a hiding to nothing.

Moving on to clause 8, the extent clause, the SNP has been very clear—very clear indeed—that we do not believe in this cruel and unnecessary Bill. We do not support it, and our attempt to decisively declare that this is not in Scotland's name comes in the form of amendments 4, 5 and 32 to 34, in the names of my hon. Friend the Member for Glasgow North and my hon. and learned Friend the Member for Edinburgh South West. They attempt to remove Scotland from the territorial extent of the Bill and to require the legislative consent of the Scottish Parliament. As my hon. and learned Friend pointed out earlier, this has a significant impact on the ability of Scottish courts and our legal system to work effectively. We have asked for the legislative consent of the Scottish Parliament before this legislation comes

into force. It is gey chilly in Scotland today, but I can say to the Minister that hell would freeze over before he obtained our legislative consent to this Bill.

Moving to clause 9, on commencement, amendment 41 seeks to separate the treaty from this Bill and ensure that the treaty itself receives the scrutiny it deserves, given the significance of the provisions made in that treaty. I do not know how many colleagues have examined the treaty, but I think it is quite right and quite appropriate that this House should do so in a debate, as the Home Affairs Committee has asked.

Lastly, because of the way that this strange process is laid out, I move to clause 1. It comes last—of course it does—in this topsy-turvy world of Westminster. The principle of the Bill remains abhorrent to us. International law is not something that states should disregard when it inconveniences them. Again, Burns has an important principle. In his letter to Mrs Frances Anna Dunlop, he says:

“Whatever mitigates the woes or increases the happiness of others, this is my criterion for goodness; and whatever injures society at large, or any individual in it, this is my measure of iniquity.”

This Bill is riddled with iniquity and harm. We rightly call out states that abuse human rights, ignore their courts and treat people in a dehumanising manner, and there is absolutely no justification for the UK doing so. It is merely a bogeyman to distract the public from the chaos that the Conservatives have presided over all these years. Our amendments 39, 40 and 42 to 44 seek to assert the importance of complying with our international obligations to abide by the Human Rights Act. It is astonishing—astonishing—that we are required to do so, but as the Bill's preface sets out, the Bill is very much incompatible with convention rights, and this Tory Government wish to have us carry on regardless.

The Right Rev. Sally Foster-Fulton, the Moderator of the General Assembly of the Church of Scotland, has been among many voices calling out this appalling legislation. She says:

“This bill threatens to destroy that”—
the UK's—

“reputation, reducing our ability to speak with any credibility on injustices and human rights abuses across the world. It also sets a worrying precedent that fundamental human rights can be eroded and denied to some.”

Far be it from me to rush to the defence of the UK's international reputation, but I urge Members to consider the wider implications of this cruel policy. It is not domestic; it is international, and it has wide-reaching implications. Scotland wants no part of this failed, expensive and cruel Rwanda plan. We look forward instead to the day that we are no longer beholden to this insular and damaging UK immigration policy, and to this Parliament that does not speak in our name. We want Scotland to take her place in the world with all of the responsibilities that that entails in the international community. To finish, again, with Burns:

“For a' that, an' a' that,
It's comin yet for a' that,
That man to man the world o'er,
Shall brothers be for a' that.”

Nick Fletcher (Don Valley) (Con): It has been a very long debate. I have listened with intent to everybody who has spoken, and I admit to learning quite a lot today.

[Nick Fletcher]

Unfortunately, not everybody who has spoken is still here to listen to me, although I have listened to them, but that tends to happen quite a lot in this House. People speak for a very long time at the beginning and, unfortunately, they never get to listen to others.

It is mainly lawyers who have spoken. I often thought, before I became a Member of Parliament, that this place would be best if full of lawyers. That is what it should be about—we are making law—so maybe that is right. I was corrected by my right hon. Friend the Member for North East Somerset (Sir Jacob Rees-Mogg), though. I did not know I was going to speak with him today, but he told me, “It is wonderful that people like yourself, Nick, are here.” After listening to what I have heard today, and having listened to what I have heard with regards to the recent Post Office case, it seems to me that lawyers are just able to talk at this level continually, back and forth and back and forth. In the Post Office case, £60 million was apparently given to looking after the postmasters, and £40 million of it was spent on lawyers.

What I am trying to get at is that, for all of the talking that has happened, the people who put us here are still struggling like mad to understand why, when we put people on a plane, somebody from Strasbourg can say, “No, they don’t have to go,” and we all watch aghast that this is happening. They struggle to understand why, as was mentioned in *The Telegraph* last week, someone who had been caught and convicted for producing £500,000 of cannabis could not be deported because he could no longer speak his mother tongue. They cannot understand why we cannot deport an immigrant who has taken £8 million from organised crime and tried to smuggle it out of this country because of his human rights. Human rights are obviously extremely important, and anyone who mentions coming out of the ECHR automatically gets lambasted by many people on the Opposition Benches, but unfortunately, the people who put us here cannot understand why these things are happening.

Whatever happens, these judges that we are talking about, who we have supposedly elected, need to come to Doncaster and see what is happening there, as I said in my speech before Christmas. We should be able to have conversations like this without being heckled, and without being called out on Twitter every time we say this. That is because of the nastiness that comes from the left, which stops these conversations happening; it stops us being able to have decent conversations and debates.

I listened to my colleagues who were sitting on the back row and they speak a lot of sense—they really do—and I take it on board, but I have hon. Friends who sit with me who want to use these amendments to tighten up the Bill. When I hear about what we are trying to do I have to agree with them that it needs tightening up, because we cannot keep on putting people on a plane and then taking them back off again. We cannot keep on letting people come to this country and abuse the system, using taxpayers’ money to defend them while we are giving them board and lodgings in hotels next door to schools. We have got to stop this happening.

I support the amendments because I want to help the Government with their promise to stop the boats. If we stop the boats, we stop the tragedies that are happening out at sea. Five people died last week; we need to make sure that that does not happen again.

We need to stop the boats because we are put here by the taxpayers of this country—by my and our constituents—and we need to make sure that they are getting value for money for every pound that is taken in their tax. When we speak about human rights, we have to remember the rights of the British people who put us here. I will support these amendments because I have to do whatever I can to make sure that the people who put me here are treated fairly and their rights are considered above anybody else’s.

Tom Hunt (Ipswich) (Con): It is a pleasure to contribute to this incredibly important debate. I was very happy to sign the amendments tabled by my right hon. Friend the Member for Newark (Robert Jenrick)—amendments 11 to 18 and 23 to 25. I was also happy to support his amendments and the amendment from my hon. Friend the Member for Stone (Sir William Cash) yesterday. I have concerns about the Bill as it stands. I want exactly the same thing as the Minister, which is for the boats to stop, and they will only stop if we have a deterrent. I have not seen an example across the world of this situation being properly dealt with without a deterrent, and it is critically important that we have one.

5.45 pm

It concerns me that the exceptionally narrow grounds for individual appeal will not be as narrow as the Government perhaps hoped. That is potentially why we heard talk about the 150 judges yesterday, which caused me some alarm. In some respects, why are some of us on the Government Benches so cynical? Why do some of us have so many concerns that this Bill may not work in the way we hope? It is experience, and the fact that we have voted for two Bills before—the Nationality and Borders Act 2022 and the Illegal Migration Act 2023—that we hoped would work comprehensively but have not done so. It is right that the Government highlight the reduction in small boat crossings by a third, but it is nowhere near enough. We will not be thanked by the people of this country for not smashing those crossings comprehensively.

Bob Seely (Isle of Wight) (Con): Will my hon. Friend give way?

Tom Hunt: I will not be giving way.

I will be supporting amendment 11 in relation to the Human Rights Act. I will also support the amendment of my right hon. Friend the Member for Newark on the ECHR. I remember vividly the situation in June 2022. I also remember the referendum we had in 2016, where the majority of people in this country voted to leave the European Union. They did so because they wanted the Parliament of this country to be fully sovereign; they did not want it to be frustrated by foreign organisations, whether the EU or the ECHR. The way in which that happened in June 2022, to a policy that has majority support from most of the people in this country, was devastating.

More generally, it is important that we respect the discussions on Second Reading, when the Prime Minister said that he wanted sound international legal arguments for amendments. That bar has been met, and my right hon. Friend the Member for Newark has explained how that is the case. Fundamentally, I have regretfully come to the conclusion as a Member of Parliament that we should leave the ECHR. My prediction is that, in time, we will. Many of the debates associated with the ECHR are similar to the debates around Brexit. Those who originally wanted to leave the EU were branded extremists and a minority. The same arguments were made, such as, “Let’s reform it from the inside.” We will try that again with the ECHR, and I think we will be unsuccessful.

It is the supranational nature of the ECHR that I am deeply uncomfortable with. We have already seen how that operates. Some Members have made the point that it is not a foreign court because we have ownership of it. People made the same argument about the European Union, and the MEPs going to Brussels. Ultimately, when it came to that decisive referendum, most people who voted on that question disagreed with that view and we rightly left the EU. It is not right and the issue of the ECHR opens up a serious democratic deficit, given that we left the EU. The principles for why we did are live in this debate today, and we must listen.

On the issue of illegal migration, like on the issue of net legal migration, we are playing with fire. The level of frustration felt by millions of people in the country is extreme, and the warnings are there from across of the world about what happens if mainstream parties do not deal with people’s legitimate concerns about mass migration. If the Conservative party does not responsibly and robustly deal with it and finally stop the boats, the warning signs are there for what might happen.

Sir William Cash: Just to take my hon. Friend’s point, with which I completely agree, even further, does he agree that the fact that often is not mentioned is that we are a small island with a huge population and an entire infrastructure created in the 19th century? For all these reasons we have that much more pressure on our social services, our infrastructure, our planning and so forth.

Tom Hunt: My hon. Friend is absolutely right. There are intolerable pressures being placed on this country through mass legal migration and illegal migration. It is right that more and more of my constituents are seeing the link between that issue and pressure on public services, strains on social cohesion and other things. Immigration at sustainable levels with integration is a force for good. Immigration at unsustainable levels without integration causes intolerable troubles for the people of this country. That is something they want to guard against.

Sir John Hayes: That view is held not just by my hon. Friend, by many in the House and by many in the country, but by many countries in Europe. Mass migration is now seen as an issue of salience by countries right across Europe and the wider world. He is far from alone: he is speaking for the people.

Tom Hunt: We have heard lots of arguments about the ECHR and about Winston Churchill forming it. That has been defeated time and again but continues to be wheeled out by Opposition Members. I do not agree.

I do not think for a moment that if Winston Churchill was alive today, he would be comfortable with the way in which today’s ECHR operates and its supranational nature.

Ultimately, I applaud the Prime Minister’s desire to stop the boats, but it is not enough just to try, and it is not enough to be just 80% or 90% of the way there. We need to be 100% of the way there. We have seen previously that any chinks in the armour of any Bill designed to tackle this issue will be ruthlessly exploited. We share the Prime Minister’s desire and we want to work with him to get a Bill that we can all unite behind to stop the boats.

Immigration is not just an important issue. I honestly believe that it has become an existential issue. Ultimately, it is important that we unite behind the Bill, but it needs to work. The question is: do we think that the Bill will work or not? Do we think it can be strengthened? For all those reasons, I will vote for the amendments tabled by my right hon. Friend the Member for Newark with a certain degree of pride. I believe in the sovereignty of this country, I believe in listening to the people of this country, and I believe in narrowing the unhealthy disconnect there is between the views of the majority of people on immigration and where we are at the moment.

Bob Seely: I am sorry to have got to the debate a bit late. I will talk in general about some of the amendments; I am sympathetic to a lot of them. I always listen to my right hon. Friend the Member for Newark (Robert Jenrick), who is always eloquent on this subject and probably right in what he says, but I will explain why, despite my concerns about the ECHR, I will not support his amendments and the other amendments. That is because we are dealing with the art of the possible as well as the art of what is right and wrong.

I listened to my hon. Friend the Member for Ipswich (Tom Hunt) talk in apocalyptic terms, but he was right to say that there is a great deal of angst and concern. According to the recent poll, in my patch, like in his, more than 50% want people sent back without a right of appeal. I am therefore sympathetic towards that argument. I am also sympathetic to the concern of my right hon. Friend the Member for Newark that the system will not work. But we are dealing with the art of the possible, and when my hon. Friend the Member for Ipswich says that we need 100% certainty and not 80% or 90%, I get a bit concerned.

Alun Cairns (Vale of Glamorgan) (Con): Does my hon. Friend recognise that we should be focusing on the practicalities of what is achievable and recognise the tensions, in a broad debate, between what we can legislate for and what in reality will work within the limitations and the context, be that in respect of the courts or colleagues in this place, as well as what will work for Rwanda?

Bob Seely: Absolutely. If the Rwandans turn round and say, “We’ve changed our minds,” we will be in a world of pain. I trust the Government. I think they have been naive in the past, but for Government Members to work on the basis that we will not trust our own Government and give them zero credit is going way too far in the other direction.

David Simmonds: My hon. Friend is making a series of important points. Does he agree that one of the reasons why our constituents are concerned to see the Bill pass is the enormous impact that very high levels of migration have had on local government finance? Given that he represents an island—one of the 31 local authorities in the south-east of England that volunteered to be asylum dispersal areas—does he agree that other parts of the country might do well to step up to the plate, too?

Bob Seely: My hon. Friend makes a good point. Other parts of the country would do well to step up to the plate—I thank him for that comment.

Returning to what my hon. Friend the Member for Ipswich said about an 80% or 90% solution versus a 100% solution, as far as I can see there are four outcomes for today, which I want to discuss in brief detail. First, the Bill works in a wonderful way and everything is perfect. Do I think that is likely? I hope it is; I live in hope, but I share my hon. Friend's concern.

Jess Phillips (Birmingham, Yardley) (Lab): Turn around and face the Committee!

Bob Seely: I am so sorry, I thank the hon. Lady.

Option 2 is that some of the legal appeals work and some do not, but we begin to get the planes moving, sort of, this summer. That is a reasonable success, and we are heading in the right direction with other measures. Option 3 is that it does not work. We get some brownie points for trying, but it is a bad outcome. Option 4 is that we vote down the Bill today, there are no flights at all, the left is in clover and the liberal elites are smiling all the way to the next election. A hundred colleagues on the Government Benches will return, and there will be no one to challenge woke or large-scale illegal immigration whatsoever.

Tom Hunt: What will make the liberal elite the happiest will be to see the Bill strangled in the courts because of its weaknesses. What does my hon. Friend think about the amendments tabled by my right hon. Friend the Member for Newark (Robert Jenrick), who perhaps knows this issue better than anyone else?

Bob Seely: My hon. Friend makes a point about the happiness of the liberal elites, but he is giving a subjective opinion about what he thinks they would love. Actually, what they would love most of all is for the Bill to die tonight. We must get the Bill through to give us any form of chance. As I said, there are four options. Option 1: it works perfectly—it may not. Option 2: it is likely to work in part—we can live with that. Option 3: it fails—that is bad, but we are trying. Option 4: we kill the Bill tonight—we can all go and look for new jobs. That is what we are facing.

I want to see my hon. Friend and many others return, but we need to give people the best chance of delivering on the Bill. The best chance of that is to try to push the Government in a conservative direction—I give my hon. Friend that—but only as far as they can go. I am on the same side of the argument as my hon. Friend on this, but my difference is that I will give the Government the benefit of the doubt to get the Bill through Third Reading. We have to get the Bill through. Even if my hon. Friend does not vote against it but is willing to abstain, that will be an improvement.

Steve Double (St Austell and Newquay) (Con): Is it not important to note that if the Bill is killed off on Third Reading, there is no opportunity to introduce another Bill to address this issue in this Parliament? We will be stuck in the current situation going into the election.

Bob Seely: I thank my hon. Friend for that important point. In the WhatsApp group in which we were chatting about this earlier, one of our north-east colleagues posted the idea that we could have a new Bill. I find that to be truly living in la-la land. The idea that everyone on the Government Benches would agree to a new Bill once we have killed this Bill is for the birds. It is this Bill or no Bill. It is this Bill or no chance. We have to face reality.

My hon. Friend the Member for Ipswich spoke eloquently about the ECHR, and I want to touch on it because it is important. I am not a fan of it. Our freedoms and our liberties are not because of the ECHR. They are not because a Bulgarian judge gets out of bed at two in the morning to strike down democratically elected law. There is nobody in this House as willing as me to rewrite our relationship with the ECHR, but this Bill is not the time to do it. This is an argument for our manifesto. But if my hon. Friend were to suggest that what we need to do is make the ECHR advisory so that we fundamentally change our relationship and a vote in Parliament can overrule the ECHR, he will find no bigger champion than me. In the same way, we could look to review the Human Rights Act. I am as bored as him of hearing Ministers say in private, “We can’t do this, because of the Human Rights Act.” I pull my hair out. We are in Government. We should change the Human Rights Act if we do not like it. We should not use it as an excuse for inaction.

6 pm

Kevin Foster (Torbay) (Con): I thank my hon. Friend for giving way. I am listening to his points with interest. As one who could be seen as one of the architects of the Rwanda scheme, along with my hon. Friend the Member for Corby (Tom Pursglove) and my right hon. Friend the Member for Witham (Priti Patel), I would have preferred to see the Bill with the amendment from my hon. Friend the Member for Stone (Sir William Cash) and I agree with many of the points made by my right hon. Friend the Member for Newark (Robert Jenrick). But while I would prefer the Bill to go further, it is a Bill that could still work.

Bob Seely: I agree and I thank my hon. Friend for his comments. If there was a chance of it moving further, then yes, but I do not think there is. The issue is: it is this Bill or no Bill; it is this Bill or no chance.

To return to what my hon. Friend the Member for Ipswich (Tom Hunt) was saying about the ECHR, yes I accept and I agree, so let us reorient our relationship with the ECHR. Let us reorient our relationship with these European laws. Let us look again. I do not like judicial activism any more than anyone else on the Conservative Benches. Judicial activism is the enemy of democratic accountability if we have foreign judges who are willing to get up in the middle of the night and overrule law passed in this House, by this democratic body answerable and sovereign to the British people. So, let us talk about changing the ECHR, but we should not be doing it now.

Matt Hancock (West Suffolk) (Ind): On precisely that point, is there not a further practical addition to my hon. Friend's argument, which is that overriding the ECHR in this instance, as opposed to following a broader debate, may lead to the Rwandan side being less enthusiastic and pulling out of the deal, practically sending us back to square one?

Bob Seely: I thank my right hon. Friend for that intervention. It is good to see him.

On rule 39, the pyjama injunction, where judges get out of bed in the middle of the night, I do not even know why our Government are still agreeing to abide by these rules. As far as I can see, it should be a matter of principle that rule 39 injunctions are advisory until such time as we wish to adopt them. Maybe the Minister has something he would like to tell us about that. It would be wonderful if he did. As part of the conversation, we are in a period of flux. As our electorate rightly become more concerned about issues relating to crime, sovereignty, and legal and illegal immigration, we start to talk about our relationship with the European human rights conventions. I am up for that, but now is not necessarily the time to do that.

Alun Cairns: My hon. Friend is making an extremely important point. Before he moves on to the last part of his speech, I want to press him a little further on the ECHR, as well as the comments made by my hon. Friend the Member for Ipswich (Tom Hunt). Does he recognise that some of the fundamental changes in the amendments are so great that they warrant a separate piece of legislation even if they were to come forward, so that this House could consider them in full and in detail, rather than them being attached to an extremely important Bill, where they could undermine its objectives as well as detract from the wider debate on the ECHR?

Bob Seely: I quite agree. I think that we are in danger of reverse-engineering a load of opinions on the European convention on human rights into a single Bill that is influenced by the ECHR, but is fundamentally about something else. I should like to see greater debate about the ECHR. I should like to see greater debate about the relationship between our laws and what we do about international conventions, being mindful and respectful of them while at the same time understanding—certainly this is my view—that our freedoms, our privileges and our rights as Britons do not come from post-war European documents.

We should remember where the ECHR came from. It was effectively written in part by ourselves to help Europe to recover from the appalling destruction caused by fascism, but also the threat of totalitarian socialism and totalitarian communism. Since then, we have seen what was a good document—partly because it was written by us—whose purpose was to help Europe to recover and get its legal and political dignity back become a target of politicised judicial activism. I believe that something that is a target of politicised judicial activism should not necessarily be overruling our own traditions, but I do find a tendency for that to happen.

David Simmonds: My hon. Friend is, once again, making some powerful points. Does he recognise that the number of interim measures that are handed down in respect of the UK is extremely small? In fact, in some years no such interim measures are granted. None the less,

we need to review the way in which measures that are not specifically described in the original documents that underpin the European convention on human rights have evolved. It is therefore right that although it remains entirely non-binding and how to respond to those measures remains a decision for a Government Minister, we need to ensure that our courts and our system understand the role that Parliament expects them to play.

Bob Seely: My hon. Friend has made a valuable point, and one that I was about to come on to. Why do some people in this country and some political groups, generally on the left, idealise international courts as if they were fonts of Olympian wisdom when, in my view, many of their judgments are highly political and highly tendentious? They seem to me to constitute an exercise in studied disrespect for the English common law, which I consider to be one of the great wonders of human civilisation and achievement, along with monotheism and one or two other things. We seem to be allowing the international courts to overrule those extraordinary achievements—all these great judges from on high, who do not come from traditional judicial systems anywhere near as strong or as noble as ours.

Sir Robert Neill: I have been agreeing with the basic thrust that it is the Bill or nothing, but may I gently say something to my hon. Friend about the European Court of Human Rights? If he looks carefully at its case law, he will see that British common law traditions have, in fact, had a significant impact on the jurisprudence of that Court. It does not follow the pure civil law system of the continent, as those who have served on the Parliamentary Assembly of the Council of Europe will know. It has actually moved to a hybrid system, largely because of the influence of British jurists.

Bob Seely: My hon. Friend has made an excellent point. He is, of course, an eminent lawyer, and I, frankly am not. [HON. MEMBERS: "There is still time!"] I am tempted to say, "I will stop digging."

My hon. Friend is right in saying that we have had an influence, but I understand from what I have seen and read that there has also been the influence of a far more rationalist system on our own common law, and I do not consider the impact on EU law and casework on our system to have been entirely beneficial and entirely helpful.

Sir Robert Buckland: I am glad that my hon. Friend is making this point. I do not blame him because it is easy to elide the two now, but EU law and the operation of the Luxembourg Court is a very different discipline from what happens in Strasbourg. That Court is enjoined to interpret EU law, and what it says is gospel and we have to follow it. That is not the case with the Strasbourg Court. My hon. Friend has talked about case law. I will not put him on the spot too much, but can he name the cases that have posed a problem? Where are they?

I can help my hon. Friend. The judgment in the Hirst case, the prisoner voting case, was pretty poor. In fact, it was a bad judgment. Then there was the judgment about whole-life sentences, which we sorted out in the Court of Appeal: problem solved. The Abu Qatada case was a long saga, but we sorted that out too. Those are the only three problems we have had in 10 years, and that does not amount to a hill of beans.

Bob Seely: I am delighted that my right hon. and learned Friend has intervened, because those are exactly the three points that I was about to make to complete my case. I thank him for doing that for me. I accept the points that he makes, but I also accept that we are a sovereign Parliament and that our relationship with many of these institutions has changed. I do not think our relationship necessarily reflects that change. I will leave it at that, but I accept his point and also the wisdom with which he made it. At this point, unless I have any more interventions, I shall wind up.

Several hon. Members *rose*—

The Second Deputy Chairman of Ways and Means (Sir Roger Gale): Order. Just before we proceed and I call Jerome Mayhew, can I gently say that it has not escaped the notice of the Chair that a significant number of Members have wandered in, after many hours of debate during which they have not been here, and then sought to participate? Technically, the Chair has no power to control that, but Members must understand that we deprecate this. I take a very dim view of it as bad manners. I hope that is clearly understood. The hon. Member for Ipswich (Tom Hunt) sat in his place for five hours waiting to speak. I believe that any other Member who wishes to speak in a debate should afford the Committee the same courtesy.

Jerome Mayhew (Broadland) (Con): Thank you, Sir Roger. I should start my speech with a personal apology for not having been here for the full course of this debate. I very much wanted to be here, but I had duties in Westminster Hall in two debates during the course of the afternoon which prevented me from taking a full role in this debate. I am grateful to you for nevertheless agreeing to call me in what is obviously a very important debate. I have heard sufficient of the back and forth of the debate to know that there has been criticism from the Opposition Benches that the Bill goes too far, and that there are even some words of advice and criticism on these Benches that it perhaps does not go far enough. Before I get down into the nitty-gritty of the amendments, it is worth going back to base principles and looking at the fundamentals of why the Bill is necessary in the first place.

It is without doubt that every Member of this House, irrespective of their party loyalties, must agree that the current position in relation to small boats crossing the channel is deeply wrong and has to be addressed. What is happening at the moment is just not fair. We have seen the small boats programme on our television screens for the last two or three years, ever since we plugged the last gap in our external borders by making it harder for illegal immigrants to get on to lorries or on to the Eurostar—that goes back almost a decade, in fact. The business model is such that where we restrict one point of illegal access, the model will seek out the next weakest point in the border of our country, and right now that is small boats crossing the channel.

However, these are not individuals buying dinghies and setting off across the channel. We all know that this is a massive commercial opportunity for organised criminal gangs making masses of money—tens of millions of pounds—from the misery of others. That money is going into organised crime, which then finds a vent in other crime, both in Europe and in our own country. Criminal gangs are imposing violence on the vulnerable

people who are then exploited by them in their crossing of the channel. It must be right that any responsible Government would take steps to challenge a set of circumstances where vulnerable people are being exposed to risk and violence, not only the risk of death as they cross the channel—my hon. Friend the Member for Don Valley (Nick Fletcher) said that there were five deaths just last week as a result of this dangerous process—but the violence of the criminal gangs imposing their will on these migrants.

Mr Virendra Sharma (Ealing, Southall) (Lab): Does the hon. Gentleman not agree that the massive amount of money wasted on the Rwanda plan would be better spent on creating safe, legal routes and clearing the backlog so that those fleeing persecution can build a better life in a country that is proud of its humanitarian actions, as so many have in Ealing, Southall?

6.15 pm

Jerome Mayhew: I am grateful for the hon. Gentleman's intervention, which allows me to highlight the Government's success in reducing the backlog, as the Prime Minister outlined at Prime Minister's questions.

I do not shy away from the point that the Rwanda scheme is expensive. If the cost were calculated as the amount spent per person flown to Rwanda, it would be a very high cost indeed, but that is not the point of the scheme. The idea of the scheme is not that every single person who illegally crosses our border will be shipped to Rwanda but that it will act as an effective deterrent. If we send a few people to Rwanda, the criminal gangs and, more importantly, the people who pay them large sums of money will get the message that paying the criminal gangs to be ferried across the channel is no longer an effective way to gain access to the United Kingdom. If that is successful, as I believe it will be, it will be very sound use of money because it will not only prevent additional cost to our society and public services but will protect the lives of some of the most vulnerable people in the world, while righting a gross unfairness in our asylum system.

Alun Cairns: My hon. Friend is making an extremely important point, particularly on the costs. Is he aware that the President of Rwanda has been reported as saying that the UK could well be refunded if all the resource is not used because of challenges along the way?

Jerome Mayhew: I was not aware of that, but it adds grist to the mill and strength to the Government's argument for proceeding with the Rwanda policy.

Dr Luke Evans (Bosworth) (Con): My hon. Friend took an intervention from the hon. Member for Ealing, Southall (Mr Sharma), who talked about safe and legal routes. One of the biggest problems is that we have not heard how many, where from and what they would look like. There are supposedly 100 million displaced people across the world. If 1% of them decide to come to the UK, that is 1 million people who have to be processed and found a country. This is a worldwide problem. If we do it as an individual country, we would create and facilitate a problem not only on our shores but on the shores where we open those centres. Does he believe the Opposition have a plan for where the centres would be, how they would be manned, how much they would cost

and what those safe and legal routes would look like, especially when people are leaving the safe country of France?

Jerome Mayhew: The phrase “safe and legal routes” feels right, doesn’t it? It feels like we should be in favour of safe and legal routes and, speaking personally, I think they are part of a wider solution to immigration. My hon. Friend says there may be up to 100 million people currently seeking asylum. From memory, I think the figure from the United Nations report is actually 108 million.

Mark Pritchard (The Wrekin) (Con): My hon. Friend is making an excellent speech. This Bill is dealing with a lot of the pull factors; at least, it mentions or implies approaching those in a more constructive and positive way. I know that he serves on the Council of Europe delegation. On the push factors, does he agree that this domestic policy should not be disaggregated from foreign policy and our overseas aid policies? Let us look at the examples of sub-Saharan Africa or the Sahel, where the French have recently exited, or are about to do so, and where the UK has an important counter-terrorism presence. In those places, fragile states that are becoming failed states are causing more push factors. In addition, some adversaries of this country, such as Russia, through its proxies in Africa, are trying to disrupt democratically elected Governments in order to create a migration crisis; they are happy to see people coming up through north Africa and into Europe. Given his international experience, does he agree that we have to have a more holistic view of this policy in the context of global foreign policy?

Jerome Mayhew: I am grateful to my right hon. Friend for those excellent points. They highlight one reason why the merging of the Department for International Development with the Foreign and Commonwealth Office to form the Foreign, Commonwealth and Development Office has the potential to link those two areas of policy. The challenge with push factors is substantial and it is that they have only just started. He is right to refer to malign actors such as Russia in the short and medium terms, but there is a much bigger factor that this House needs to consider over the next 20 to 50 years: climate change. The likelihood is that there will be very significant mass migration from sub-Saharan Africa when large areas of countries, perhaps entire countries, may become functionally uninhabitable through water scarcity and heat. What we have seen currently in push factors will be nothing compared with what we see in the future, so it behoves us, as a responsible Government, to design and implement an immigration policy that is fit for purpose, not just for now, but for the future.

Bob Seely: I find it frustrating when people, especially Opposition Members, talk about the need for safe and legal routes. As a statement of fact, there were 10 such routes into the UK in the past decade—there are currently nine—which have been responsible for 50,000 refugees coming to this country since 2015. Overall, the number of refugees or people granted asylum in this country from 2015-16 is approaching the population of Manchester; we are talking about a number in the upper 400,000s—that is twice the size of the city of Portsmouth. When Opposition Members talk about the need for safe and

legal routes, I assume that none of them has any clue what they are talking about; would my hon. Friend care to comment?

Jerome Mayhew: I am pretty settled with that last sentence. We have been a place of safety for about 80,000 from Ukraine; we have opened our arms to some 250,000 British nationals of Hong Kong descent; we have had the Syria programme, which I believe involved about 20,000; and we have had the Afghan resettlement programme, which involved about 18,000 to 20,000. All those have been safe and legal routes. The big difference is that the British Government, representing the British people, decided that those were the people we wanted to help. They were the most vulnerable, and we took the decision, not criminal gangs from abroad.

Dr Luke Evans: It is exactly that: the British people decided. Does my hon. Friend believe that the right approach is for Government to consult with local authorities on how many asylum seekers and refugees they can support, enabling them to come up with a number that Parliament will be able to vote on? That is pragmatic and practical while warm and welcoming to those who need help.

Jerome Mayhew: My hon. Friend makes another good point. We must not forget that our asylum policy depends on the support and acceptance of our people. If we have a policy that is rejected by people because they feel it is unfair and does not represent their views, then we run the risk of throwing the baby of asylum and welcoming people with vulnerabilities from around the world out with the bath water. The Bill helps to maintain a welcoming stance to asylum seekers who are decided on by the Government, while maintaining public support for the policy as a whole.

Several hon. Members rose—

Tim Loughton: As the author of the safe and legal routes amendment to the Illegal Migration Bill, I will shed a little light on this matter. My hon. Friend is right that we have generous safe and legal route schemes already, but they are mostly limited to set groups of people. The importance of the schemes the Government are working on is that those people who are genuine asylum seekers and genuinely fleeing persecution can be accommodated in some way, but those schemes would be subject to a cap. Although there are hundreds of thousands—millions—who might want to come here, the Illegal Migration Act sets a cap for safe and legal routes so that it is the number of people we can cope with and they are the right people. We will take in the most vulnerable people, separating them out from the people who have no credible case for coming to the United Kingdom, which is why the Bill is so important.

Jerome Mayhew: I am in accord with every point my hon. Friend made. There is real anger on the doorsteps. I am lucky to represent the seat of Broadland and Fakenham in Norfolk, and I was knocking on doors just before Christmas. Of the 100 or so doors I knocked on, I had 20 decent conversations with constituents. This is rural Norfolk, but 19 of those 20 conversations raised illegal migration as a key issue—that is the reality of the views of the people I represent. We would be mad in this House if we did not accurately reflect those views. I will take a final intervention.

David Simmonds: Will my hon. Friend join me in paying tribute to the East of England Local Government Association and the East of England Strategic Migration Partnership? They have done amazing work supporting the resettlement of British passport holders from Hong Kong, Syrians coming through the Syrian resettlement scheme and Ukrainians coming through the Homes for Ukraine scheme. Does he agree that it would be more acceptable to his constituents to hear that those individuals have come to the UK through arrangements agreed with local authorities that have the capacity to support them, rather than, as I witnessed when I visited the Jungle camp in Calais, through rich smugglers, who say to people that the more they can pay, the more likely they are to be able to break into the UK through a backdoor?

Jerome Mayhew: My hon. Friend is exactly right. My constituents are generous minded and welcoming, but they do not like inherent unfairness. Typically, those who arrive are young men aged 20 to 40. Where are the women and children? Those young men are relatively rich because they have been able to pay £3,000 to £5,000 to the smugglers. Worse still, they may be indentured and end up in slave labour, trying to pay back a debt that will never be repaid. We have a terrible situation that needs to be addressed.

The Government have taken effective action that we can see in hard data from last year, not just because I say it. At a time when migration to the European Union is going up by about a third and to Mediterranean countries by fully 80% last year, the suite of interventions that the Government have already made have been so effective that they have reduced migration in this country by 36%, which is over a third. That is not because of Rwanda, but in addition to Rwanda. It is because we have increased French patrols on the coast by 40% and we have tracked down boat supplies in places like Romania, removing the ability of the gangs to physically get people across the channel.

We have increased raids on illegal workplaces, which were part of the pull factor for illegal migrants. More importantly, we have cut a deal with Albania, which has meant that, whereas the year before about 20,000 people who came from Albania claimed asylum, with the returns policy recognising that Albania is a safe country—just as Rwanda is, by the way—the number of potential migrants coming across the channel has decreased by more than 90%. If we want an example of why the Rwanda policy should work, we need only look at Albania and at the results that this Government have already achieved. I commend the Government for their hard work, the hard yards, and the incremental gains, which show that, although we are not all the way there, we are seeing 36% reductions already and counting. Our proposals in this Bill for the Rwanda relocation will make an enormous difference.

6.30 pm

We have heard from Government lawyers that the current process is likely to reduce the number of appeals by 99.5%. Yes, there may be the odd one who continues to appeal, but that last-minute process of repeated appeals will be removed. That is why I do not feel the necessity to support the amendments and will be supporting the Government.

Michael Tomlinson: With your permission Sir Roger, may I on behalf of His Majesty's Government pass on my sincere condolences to the family and friends of Sir Tony Lloyd, the former Member of Parliament—

The Second Deputy Chairman of Ways and Means (Sir Roger Gale): Order. I am sorry to have to interrupt on such a sensitive issue, but Mr Speaker intends to make a statement about that later.

Michael Tomlinson: I am very grateful for that guidance.

May I start by turning to those who have contributed to this debate? I thank my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) for his powerful points, challenging, forensic and learned points. He once again questioned what solutions are being offered by the Labour party, and he was right to do so. Answer came there none.

May I thank my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes)? As so often, he debated in poetry, and I will come back to some of his remarks in due course. I also thank the Chair of the Home Affairs Committee, the right hon. Member for Kingston upon Hull North (Dame Diana Johnson). She was right to ensure that she did not make a Second Reading speech, but she did mention one or two amendments and other matters, and I shall turn to those in due course.

I thank my hon. Friend the Member for Ruislip, Northwood and Pinner (David Simmonds). He is always thoughtful, measured and so often right, and I am grateful to him for his contributions and also for his interventions during the latter stages of this debate. The hon. Member for Glasgow Central (Alison Thewliss) cited Robert Burns and asked what he would have to say to those on the Conservative Benches. My hon. Friend and neighbour, the hon. Member for North Dorset (Simon Hoare), rather cheekily from a sedentary position suggested that Robert Burns might say to Conservative Members, "How can I join you?" That was not the gist or the thrust of her speech, but it was a cheeky intervention that I enjoyed none the less. I shall turn to her amendments in due course.

I listened to my hon. Friend the Member for Don Valley (Nick Fletcher), as I always do, and I hope to be able to turn to some of the points that he made and hopefully allay some of his fears. He said sometimes the Chamber empties, or is not as full, when he speaks. That sometimes happens to Ministers as well—that not everyone is back when they are responding to Members' contributions. But my hon. Friend is here, and I am grateful to him for sitting through so much of this debate and for his characteristic courtesy.

My hon. Friend the Member for Ipswich (Tom Hunt) spoke with passion, as he always does, and I am grateful to him for his contribution. My hon. Friend the Member for Isle of Wight (Bob Seely) spoke at some length, and I am grateful to him for that. He delved into the principles of the ECHR, and he was enticed by my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland) to make some pronouncements on some of its judgements, which I thought was a little mean. None the less, my right hon. and learned Friend did proffer one suggestion, namely the case of Hirst, and I am grateful to him for that.

I am grateful to my hon. Friend the Member for Broadland (Jerome Mayhew) for his intervention and for being on duty not only in Westminster Hall, but also here in this Chamber.

The course of the debate has been constructive, on the whole. I agree that it has been broadly thoughtful and instructive. We have had exchanges on scripture, and as a lawyer, it was a joy indeed to hear the word “otiose” not once or twice, but several times. We once even heard “otiose with bells on” from my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), and I am grateful to him for that. I have not heard that expression before; it must be a legal reference that I brushed past in my youth.

We also heard about box sets from my right hon. Friend the Member for Newark (Robert Jenrick) and the hon. Member for Glasgow North (Patrick Grady), and I will need to do a bit more research on that. We touched on ECHR membership, although my right hon. Friend the Member for Newark rightly said that this was not the place to have that full debate, but he set out some of the parameters for future debates that I am sure we will have.

Clause 1 sets out the rationale for the Bill. It sets out the legal obligations and how the treaty to which the Government of Rwanda have agreed addresses the concerns that were set out by the Supreme Court. Amendments 39, 40, 41 and 42, tabled and addressed today by the hon. Member for Glasgow Central (Alison Thewliss), and amendments 43 and 44, tabled by the hon. Member for Aberdeen South (Stephen Flynn), seek to exclude the core of those provisions. The hon. Member for Glasgow Central was clear about her intention in that regard. The treaty is binding in international law and, in accordance with Rwandan law, will become domestic law in Rwanda on ratification. That is set out in detail and confirmed in article 3(6) of the treaty. It rules out anyone relocated to Rwanda being removed from there, except to the United Kingdom. That is an important part of the treaty, set out in article 10(3), and that is regardless of whether the individual is found to be a refugee or to have another humanitarian protection need. That removes the risk of refoulement.

Everyone relocated to Rwanda will receive the same treatment. Those with refugee status, those with a humanitarian protection need and even those without that status will be able to stay in Rwanda and will receive the same rights and treatment. That addresses head on the concern that the Supreme Court set out. The asylum decision-making process is being significantly reformed. Annex B of the treaty—if I have time, I might turn to the details of that—contains strengthened monitoring arrangements, and there are also strengthened monitoring arrangements to ensure adherence to the obligations.

I am grateful to my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) for his engagement. I do not believe that his concerns are right. He said “offensive or otiose”. I would suggest that neither is right, and I hope to be able to reassure him, because clause 1 makes clear that Parliament is sovereign and that its Acts are valid notwithstanding any interpretation of international law. I will come back to that “notwithstanding” terminology, which has been so contentious, perhaps, in recent history. What it does not mean is that we are legislating away our international

obligations. The purpose of the Bill is to say that, on the basis of the treaty and the evidence before it, Parliament believes that those obligations have been met. It does not mean that we do not care whether they have been met. He mentioned dualism and was right to do so.

The parts of the clause to which my right hon. and learned Friend’s amendments are directed do no more than make clear what we mean by a safe country, which is a key definition applied to Rwanda, namely that the United Kingdom can remove people to that country in compliance with its international obligations and that Rwanda will not remove anyone in breach of any international law. As a former Attorney General, he also mentioned the Law Officers convention. I was grateful to him for that, for so often in this Chamber it goes unnoticed. It is an important convention, and as a former Law Officer myself I abide by it very strictly, as I know he does, so I am grateful to him for reminding the House of it.

Turning to the amendments tabled by and the speech of my right hon. and learned Friend the Member for South Swindon, I am grateful for his contributions not just today but yesterday. It is important that the will of Parliament is made clear and that, following the mammoth efforts between our Government and the Government of Rwanda, the obligations that we have agreed are fully set out. Clause 1 ensures that it is crystal clear that it is Parliament that has considered and concluded that Rwanda is a safe country. I know his concern about this sort of clause, but he will know that it is not unique and that it is not dissimilar to clause 1 of the Illegal Migration Act—[*Interruption.*] I suspect he is encouraging me not to pray that in aid, but it is a fact all the same that it is not unprecedented to have a clause such as clause 1 in a Bill.

I turn to clause 3. The United Kingdom has a long-standing tradition of ensuring that rights and liberties are protected domestically and of fulfilling our international human rights obligations. We remain committed to that position and will ensure that our laws continue to be fit for purpose and work for the people of the United Kingdom. Though some of the provisions in the Bill are novel, the Government are satisfied that the Bill can be implemented in line with the convention rights.

However, it has become clear that people will seek to frustrate their removal by any means. Therefore, this Bill goes further than the Illegal Migration Act, which was taken through by my right hon. Friend the Member for Newark and my right hon. and learned Friend the Member for Fareham (Suella Braverman). As we have heard, that Act only disapplies section 3 of the Human Rights Act, whereas this Bill, and particularly clause 3, disapplies further elements of the Act. The effect is that the duty under section 6(1) of the Human Rights Act is disapplied for any public authority, including any court or tribunal, that is taking a decision based on the duty under clause 2 of the Bill to treat the Republic of Rwanda as safe.

I turn now directly to the amendments tabled by my right hon. Friend the Member for Newark, starting with his amendments 11 and 18. He is right that the Bill does not seek to disapply section 4 of the Human Rights Act; it does not, in fact, disapply the declaration of incompatibility provisions in section 4. That is the only substantive remedy against the conclusive presumption that Rwanda is safe. Retaining declarations of incompatibility is

[Michael Tomlinson]

important, but of course the final say on this matter will rightly remain with Parliament and with the Government because of section 4(6) of the Human Rights Act, which makes it clear that a declaration cannot affect the operation or the validity of domestic legislation.

Sir Robert Buckland: My hon. and learned Friend makes an important point about the extent to which the courts should and can intervene on issues relating to the compatibility of primary legislation with the ECHR. The section 4 procedure allows the courts to express a view, but does not trespass directly upon the functions of this place in dealing with the problem. It simply gives Parliament an opportunity to rectify any situation—or not, frankly. Does he agree that section 4 is a much better mechanism for the courts to use than the clunky, inelegant and sometimes very problematic section 3 procedure?

Michael Tomlinson: I hear what my right hon. and learned Friend says about section 3 and I agree with him wholeheartedly. He is right to describe it as clunky, and it has been disapplied in this Bill as well as in the Illegal Migration Act.

If I may say so directly to my right hon. Friend the Member for Newark, I accept entirely his comments that he is here to help the Government and that he believes passionately in this policy. He has had several very frank, open and honest conversations with me about that, both in this Chamber and outside it, and I am grateful to him for putting his points so ably and so clearly, but the disapplication of those sections within the Bill significantly reduces the extent to which public authorities are bound to act as a consequence of the convention rights.

May I turn to clause 5 and the further amendments tabled by my right hon. Friend the Member for Newark? Clause 5 makes it clear that it is for a Minister of the Crown alone to determine whether to comply with an interim measure of the Strasbourg Court. It also makes it clear that the domestic courts may not have regard to the existence of any interim measure when considering any domestic application flowing from a decision to remove a person to Rwanda in accordance with the treaty.

6.45 pm

What happened with the Rwanda flight in June 2022 was frustrating, as many Members have mentioned—it was a deeply flawed process and raised issues of natural justice—but changes have been made since then, not least in the Illegal Migration Act. On 13 November, the Strasbourg Court announced the outcome of its review of the rules concerning interim measures. The changes include the naming of judges, interim measures being communicated as formal decisions, and the confirmation of the existing practice of parties being able to request the reconsideration of a decision in the rules. The United Kingdom has responded formally to the Court's consultation.

Colleagues have raised concerns that, assuming the Bill passes and succeeds in closing down the vast majority of individual claims, our deterrent will be frustrated by a rule 39 interim measure. I say directly to my right hon. and hon. Friends that I understand those concerns.

No one who was here in June 2022 and saw the last Rwanda plane left on the tarmac can fail to understand the importance of fixing this issue. That is why the Prime Minister has been clear that he will not let a foreign court block the flights. We simply cannot let an international court dictate our border security and stop us establishing a deterrent. That is why we have inserted clause 5, which is crystal clear that it is for Ministers, and Ministers alone, to decide whether to comply with rule 39 injunctions. We would not have inserted clause 5 if we were not prepared to use it. I confirm to the Committee that we can and will lawfully use that power if the circumstances arise. The discretion is there.

We go further still and we confirm that the civil service must implement any such decision. Today, the permanent secretary for the Home Office has confirmed that if we receive a rule 39 indication, instead of deferring removal immediately, as is currently the practice, officials will refer the rule 39 to the Minister—not to be too grandiose but, in this case, to me—for an immediate decision. As the Cabinet Office has confirmed, it is the responsibility of civil servants, under the civil service code, to deliver that decision.

Colleagues have confirmation that we have the power, we would use the power, and the civil service will give effect to it. If a plane is sitting on that runway, this Government will not stop until it takes off. We all know what the Opposition would do: they would campaign for it to be grounded.

Jonathan Gullis (Stoke-on-Trent North) (Con): The Minister just said that there will be circumstances in which we will ignore pyjama injunctions. What are the circumstances in which the Government will not ignore them and will therefore comply with them?

Michael Tomlinson: I could not have been clearer. There is the confirmation that we have the power, we would use the power, and the civil service will give effect to it.

Let me respond directly to my right hon. and learned Friend the Member for Fareham? She spoke powerfully, as she always does, and I always listen carefully to what she says. She set out a number of cases in which medical reasons were cited in court. Medical arguments were presented that, as she said, frustrated the will of this place. In fact, section 39 of the Illegal Migration Act—the very Act that she took through this place with my right hon. Friend the Member for Newark—addresses that exact point about medical records and medical evidence.

The following are examples of harm that do not constitute serious and irreversible harm. The first is:

“where the standard of healthcare available to”

the person

“in the relevant country...is lower than”

that available in the United Kingdom. It is there in the statute, in the Bill that we passed last year.

The second example is:

“Any pain or distress resulting from a medical treatment that is available to”

a person

“in the United Kingdom not being available to”

a person

“in the relevant country”.

That is not, does not and will not constitute serious and irreversible harm.

My right hon. and learned Friend the Member for Fareham is right to be concerned about that, but those concerns have been addressed and met in the legislation we have passed, and in the legislation that is mirrored in the Bill.

Let me turn to the important provisions of clause 8. I will directly address the hon. Member for Belfast East (Gavin Robinson) and his submissions in response to new clause 3. Nothing in the Windsor framework, including article 2, or in the withdrawal agreement affects the Bill's proper operation on a UK-wide basis. Any suggestion to the contrary would be to imply that the scope of the rights, safeguards and equality of opportunity chapter of the Belfast/Good Friday agreement is far more expansive than was ever intended.

Stella Creasy: Will the Minister give way?

Michael Tomlinson: I will not give way.

We are unequivocal that that is simply not the case, and article 2 of the Windsor framework is not engaged. I would be happy to write further to the hon. Member for Belfast East and the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) on that point to set out further detail. I hope I can reassure the hon. Member that we have already achieved the aim he seeks.

Sir William Cash: Will my hon. and learned Friend give way?

Michael Tomlinson: I will give way, but my hon. Friend must be conscious that we are up against a very tight deadline.

Sir William Cash: On the statements he made with regard to rule 39 and so forth, can my hon. and learned Friend explain to the Committee how the Government would be able to prevent a judicial review of the decision taken by the Minister without legislation?

Michael Tomlinson: My hon. Friend has heard what I said on that point. I respect and admire him; he knows the esteem that I have for him. We have a good-faith disagreement on the effect of clause 5, but the clause is clear: it is for a Minister to decide, and a Minister will decide.

Stella Creasy: Will the Minister give way?

Michael Tomlinson: May I finish my point in response to the hon. Member for Belfast East? I hope I can reassure him that we have already achieved the aim he seeks. The Bill will apply across the whole of the United Kingdom, in line with the application of our sovereign immigration policy across all four nations of the UK as a territorial whole. I am grateful to the hon. Member for his kind and generous comments about me personally, and for his engagement. I will continue to engage with him on this issue.

We have made progress towards stopping the boats, with small boat crossings down by a third in 2023, but we must do more. The only way to do so is if it is abundantly clear that illegal entry will never lead to a new life in the United Kingdom. The power of deterrence is proven beyond reasonable doubt by the success of our agreement with Albania. Parliament and the British

people want an end to illegal immigration, and we need a deterrent. We have a plan—a plan to stop the boats—and I invite all right hon. and hon. Members to back it.

The Second Deputy Chairman of Ways and Means (Sir Roger Gale): Amendment 11 has been proposed. Mr Jenrick, do you wish to press it to a vote, or do you wish to withdraw it?

Robert Jenrick: With your permission, Sir Roger, I would like to withdraw it. However, if you are agreeable, I wish to press amendment 23 instead.

The Second Deputy Chairman: We will come to that in due course.

Robert Jenrick: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

6.54 pm

Six hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 12 December 2023).

The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

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

The Committee divided: Ayes 339, Noes 264.

Division No. 54]

[6.54 pm

AYES

Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy (*Proxy vote cast by Mr Marcus Jones*)
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, rh Victoria
Bacon, Gareth
Bacon, Mr Richard (*Proxy vote cast by Mr Marcus Jones*)
Badenoch, rh Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, rh Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Benton, Scott
Beresford, Sir Paul
Berry, rh Sir Jake
Bhatti, Saqib
Blackman, Bob
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Dame Karen

Brady, rh Sir Graham
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Burghart, Alex
Burns, rh Sir Conor
Butler, Rob
Cairns, rh Alun
Cameron, Dr Lisa
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, rh Alex
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Sir Simon
Clarke, Theo
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian

Costa, Alberto
 Courts, Robert
 Coutinho, rh 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 Sir David
 Davison, Dehenna
 Dineneage, Dame Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, rh Michelle
 Double, Steve
 Dowden, rh Oliver
 Doyle-Price, Dame Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Sir Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Firth, Anna
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Foster, Kevin
 Fox, rh Sir Liam
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Glen, rh John
 Goodwill, rh Sir Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen (*Proxy vote
cast by Mr Marcus Jones*)
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 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
 Heaton-Harris, rh Chris
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, rh Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, John (*Proxy vote cast
by Mr Marcus Jones*)
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane (*Proxy vote cast
by Mr Marcus Jones*)
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Javid, rh Sir Sajid
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Dame Andrea
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, rh Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Keegan, rh Gillian
 Knight, rh Sir Greg
 Kniveton, Kate (*Proxy vote
cast by Mr Marcus Jones*)
 Kruger, Danny
 Kwarteng, rh Kwasi
 Lamont, John
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Sir Brandon
 Lewis, rh Sir Julian
 Liddell-Grainger, Mr Ian
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack

Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig (*Proxy vote
cast by John Redwood*)
 Mackrory, Cheryllyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, rh Stephen
 McVey, rh Esther
 Menzies, Mark
 Mercer, rh Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Dame Maria
 Milling, rh Dame Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morrissey, Joy
 Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 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
 Purslove, Tom
 Quin, rh Sir Jeremy
 Quince, Will
 Raab, rh Dominic
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Sir Jacob
 Richardson, Angela
 Roberts, Mr Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Shelbrooke, rh Sir Alec
 Simmonds, David
 Smith, rh Chloe
 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, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, rh Graham
 Sturdy, Julian
 Sunak, rh Rishi
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, rh Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, rh Laura
 Truss, rh Elizabeth
 Tuckwell, Steve
 Tugendhat, rh Tom
 Vara, rh Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, rh Craig
 Whittingdale, rh Sir John
 Wiggin, Sir Bill
 Wild, James
 Williams, rh Craig
 Williamson, rh Sir Gavin
 Wilson, rh Sammy
 Wood, Mike
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob
 Zahawi, rh Nadhim
Tellers for the Ayes:
Robert Largan and
Aaron Bell

NOES

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
 Blake, Olivia
 Blomfield, Paul
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Ms Lyn
 Bryant, Sir Chris
 Burgon, Richard
 Butler, Dawn
 Byrne, Ian
 Byrne, rh Liam
 Cadbury, Ruth
 Callaghan, Amy (*Proxy vote cast by Marion Fellows*)
 Campbell, rh Sir Alan
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Cherry, Joanna
 Clark, Feryal
 Cooper, Daisy
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela (*Proxy vote cast by Owen Thompson*)
 Creasy, Stella
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Dalton, Ashley
 Davey, rh Ed
 David, Wayne
 Davies-Jones, Alex
 Day, Martyn
 De Cordova, Marsha
 Debonnaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Dixon, Samantha
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doogan, Dave
 Dorans, Allan (*Proxy vote cast by Marion Fellows*)
 Doughy, Stephen
 Dowd, Peter
 Duffield, Rosie
 Dyke, Sarah
 Eagle, Dame Angela
 Eagle, rh Maria
 Eastwood, Colum
 Edwards, Jonathan
 Edwards, Sarah
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Eshalomi, Florence
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Fellows, Marion
 Fletcher, Colleen
 Flynn, Stephen
 Foord, Richard
 Fovargue, Yvonne
 Foxcroft, Vicky
 Foy, Mary Kelly
 Furniss, Gill
 Gardiner, Barry
 Gibson, Patricia
 Gill, Preet Kaur
 Glindon, Mary
 Grady, Patrick
 Grant, Peter
 Green, Sarah
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Dame Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 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
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, rh Stewart
 Howarth, rh Sir George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, rh Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen

Kyle, Peter
 Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 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
 Mather, Keir
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Dame Siobhain
 McDonald, Andy (*Proxy vote cast by Ian Mearns*)
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Moran, Layla
 Morden, Jessica
 Morgan, Helen
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Nandy, Lisa
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John (*Proxy vote cast by Marion Fellows*)
 Norris, Alex
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Osborne, Kate
 Oswald, Kirsten
 Owatemi, Taiwo (*Proxy vote cast by Chris Elmore*)
 Owen, Sarah
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qaisar, Ms Anum
 Qureshi, Yasmin
 Rayner, rh Angela
 Reed, Steve
 Rees, Christina
 Reeves, Ellie
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Shanks, Michael
 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
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Strathern, Alistair
 Streeting, Wes
 Stringer, Graham
 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
 Twist, Liz
 Vaz, rh Valerie
 Wakeford, Christian
 Webbe, Claudia
 West, Catherine
 Western, Andrew
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa (*Proxy vote cast by Marion Fellows*)
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel
Tellers for the Noes:
 Kirsty Blackman and
 Steven Bonnar

Question accordingly agreed to.
Clause 3 ordered to stand part of the Bill.

Clause 5

INTERIM MEASURES OF THE EUROPEAN COURT OF
HUMAN RIGHTS

Amendment proposed: 23, page 5, line 13, leave out subsection (2) and insert—

“(2A) The interim measure is not binding on the United Kingdom, and will have no effect on any provision made by or by virtue of this Act or the Illegal Migration Act 2023, and shall not prevent or delay the removal of a person to Rwanda under this Act or the Illegal Migration Act 2023.”—(*Robert Jenrick.*)

This ensures that the default position is that Rule 39 indications are not treated as binding on the United Kingdom and will not prevent removals to Rwanda, but to provide an optional discretion to Ministers.

Question put, That the amendment be made.

The Committee divided: Ayes 65, Noes 536.

Division No. 55]**[7.8 pm****AYES**

Afriyie, Adam	Jenkyns, Dame Andrea
Anderson, Lee	Jenrick, rh Robert
Atherton, Sarah	Johnson, Dr Caroline
Benton, Scott	Jones, rh Mr David
Berry, rh Sir Jake	Kruger, Danny
Blackman, Bob	Leigh, rh Sir Edward
Bradley, Ben	Lewer, Andrew
Braverman, rh Suella	Longhi, Marco
Brereton, Jack	Lord, Mr Jonathan
Bridgen, Andrew	Mackinlay, Craig (<i>Proxy vote</i>
Bristow, Paul	<i>cast by John Redwood)</i>
Cash, Sir William	McCartney, Karl
Chishti, Rehman	Millar, Robin
Chope, Sir Christopher	Mills, Nigel
Clarke, rh Sir Simon	Morris, Anne Marie
Clarke-Smith, Brendan	Mortimer, Jill
Davies, Philip	Nici, Lia
Dines, Miss Sarah	O'Brien, Neil
Drax, Richard	Paisley, Ian
Duddridge, Sir James (<i>Proxy</i>	Randall, Tom
<i>vote cast by Mr Mark</i>	Redwood, rh John
<i>Francois)</i>	Robertson, Mr Laurence
Duncan Smith, rh Sir Iain	Robinson, Gavin
Elphicke, Mrs Natalie	Sambrook, Gary
Fabricant, Michael	Shannon, Jim
Fletcher, Nick	Smith, Greg
Francois, rh Mr Mark	Smith, Henry
Green, Chris	Stevenson, Jane
Grundy, James	Swayne, rh Sir Desmond
Gullis, Jonathan	Truss, rh Elizabeth
Hayes, rh Sir John	Wiggin, Sir Bill
Henry, Darren	Wilson, rh Sammy
Hollobone, Mr Philip	
Holloway, Adam	
Hughes, Eddie	
Hunt, Tom	

Tellers for the Ayes:
Sir Jacob Rees-Mogg and
Miriam Cates

NOES

Abbott, rh Ms Diane (<i>Proxy</i>	Allin-Khan, Dr Rosena
<i>vote cast by Bell Ribeiro-</i>	Amesbury, Mike
<i>Addy)</i>	Anderson, Fleur
Abrahams, Debbie	Anderson, Stuart
Afolami, Bim	Andrew, rh Stuart
Aiken, Nickie	Ansell, Caroline
Aldous, Peter	Antoniazzi, Tonia
Ali, Rushanara	Argar, rh Edward
Ali, Tahir	Ashworth, rh Jonathan
Allan, Lucy (<i>Proxy vote cast</i>	Atkins, rh Victoria
<i>by Mr Marcus Jones)</i>	Bacon, Gareth

Bacon, Mr Richard (*Proxy*
vote cast by Mr Marcus
Jones)

Badenoch, rh Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, rh Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Bardell, Hannah
Barker, Paula
Baron, Mr John
Baynes, Simon
Beckett, rh Margaret
Begum, Apsana
Benn, rh Hilary
Beresford, Sir Paul
Betts, Mr Clive
Bhatti, Saqib
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bottomley, Sir Peter
Bowie, Andrew
Bradley, rh Dame Karen
Bradshaw, rh Mr Ben
Brady, rh Sir Graham
Brennan, Kevin
Brine, Steve
Britcliffe, Sara
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Browne, Anthony
Bruce, Fiona
Bryant, Sir Chris
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burgon, Richard
Butler, Dawn
Butler, Rob
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Cairns, rh Alun
Callaghan, Amy (*Proxy vote*
cast by Marion Fellows)
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Carter, Andy
Cartledge, James
Caulfield, Maria
Chalk, rh Alex
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Cherry, Joanna
Churchill, Jo
Clark, Feryal
Clark, rh Greg
Clarke, Theo
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse

Colburn, Elliot
Collins, Damian
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Costa, Alberto
Courts, Robert
Coutinho, rh Claire
Cowan, Ronnie
Cox, rh Sir Geoffrey
Coyle, Neil
Crabb, rh Stephen
Crawley, Angela (*Proxy vote*
cast by Owen Thompson)
Creasy, Stella
Crosbie, Virginia
Crouch, Tracey
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Daly, James
Davey, rh Ed
David, Wayne
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies-Jones, Alex
Davis, rh Sir David
Davison, Dehenna
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Dinenage, Dame Caroline
Dixon, Samantha
Djanogly, Mr Jonathan
Docherty, Leo
Docherty-Hughes, Martin
Dodds, Anneliese
Donelan, rh Michelle
Doogan, Dave
Dorans, Allan (*Proxy vote cast*
by Marion Fellows)
Doughty, Stephen
Dowd, Peter
Dowden, rh Oliver
Doyle-Price, Dame Jackie
Drummond, Mrs Flick
Duffield, Rosie
Duguid, David
Dunne, rh Philip
Dyke, Sarah
Eagle, Dame Angela
Eagle, rh Maria
Eastwood, Colum
Eastwood, Mark
Edwards, Jonathan
Edwards, Ruth
Edwards, Sarah
Efford, Clive
Elliott, Julie
Ellis, rh Sir Michael
Ellwood, rh Mr Tobias
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Eustice, rh George
Evans, Chris
Evans, Dr Luke

Evennett, rh Sir David
 Everitt, Ben
 Farris, Laura
 Farron, Tim
 Farry, Stephen
 Fell, Simon
 Fellows, Marion
 Firth, Anna
 Fletcher, Colleen
 Fletcher, Katherine
 Fletcher, Mark
 Flynn, Stephen
 Foord, Richard
 Ford, rh Vicky
 Fovargue, Yvonne
 Fox, rh Sir Liam
 Foxcroft, Vicky
 Foy, Mary Kelly
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Furniss, Gill
 Gardiner, Barry
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Patricia
 Gibson, Peter
 Gideon, Jo
 Gill, Preet Kaur
 Glen, rh John
 Glindon, Mary
 Goodwill, rh Sir Robert
 Gove, rh Michael
 Grady, Patrick
 Graham, Richard
 Grant, Mrs Helen (*Proxy vote
cast by Mr Marcus Jones*)
 Grant, Peter
 Gray, James
 Grayling, rh Chris
 Green, rh Damian
 Green, Sarah
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Andrew
 Griffith, Dame Nia
 Gwynne, Andrew
 Haigh, Louise
 Halfon, rh Robert
 Hall, Luke
 Hamilton, Fabian
 Hamilton, Mrs Paulette
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Hanna, Claire
 Hanvey, Neale
 Hardy, Emma
 Harman, rh Ms Harriet
 Harper, rh Mr Mark
 Harris, Carolyn
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, Helen
 Heald, rh Sir Oliver
 Healey, rh John
 Heappey, rh James

Heaton-Harris, rh Chris
 Hendrick, Sir Mark
 Hendry, Drew
 Higginbotham, Antony
 Hillier, Dame Meg
 Hinds, rh Damian
 Hoare, Simon
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Holden, rh Mr Richard
 Hollern, Kate
 Hollinrake, Kevin
 Holmes, Paul
 Hopkins, Rachel
 Hosie, rh Stewart
 Howarth, rh Sir George
 Howell, John (*Proxy vote cast
by Mr Marcus Jones*)
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hunt, Jane (*Proxy vote cast
by Mr Marcus Jones*)
 Hunt, rh Jeremy
 Huq, Dr Rupa
 Hussain, Imran
 Jack, rh Mr Alister
 Jardine, Christine
 Jarvis, Dan
 Javid, rh Sir Sajid
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Johnson, rh Dame Diana
 Johnson, Gareth
 Johnson, Kim
 Johnston, David
 Jones, Andrew
 Jones, Darren
 Jones, Fay
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, rh Mr Marcus
 Jones, Ruth
 Jones, Sarah
 Jupp, Simon
 Kane, Mike
 Keegan, rh Gillian
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kniveton, Kate (*Proxy vote
cast by Mr Marcus Jones*)
 Kwarteng, rh Kwasi
 Kyle, Peter
 Lake, Ben
 Lammy, rh Mr David
 Lamont, John
 Latham, Mrs Pauline
 Lavery, Ian
 Law, Chris
 Leadbeater, Kim
 Leadsom, rh Dame Andrea
 Levy, Ian
 Lewell-Buck, Mrs Emma
 Lewis, rh Sir Brandon
 Lewis, Clive
 Liddell-Grainger, Mr Ian
 Lightwood, Simon
 Linden, David
 Loder, Chris

Logan, Mark
 Long Bailey, Rebecca
 Lopez, Julia
 Lopresti, Jack
 Loughton, Tim
 Lucas, Caroline
 Lynch, Holly
 Mackrory, Cherilyn
 Maclean, Rachel
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Mak, Alan
 Malhotra, Seema
 Malthouse, rh Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Maskell, Rachael
 Mather, Keir
 Mayhew, Jerome
 Maynard, Paul
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McCartney, Jason
 McCartney, Karl
 McDonagh, Dame Siobhain
 McDonald, Andy (*Proxy vote
cast by Ian Mearns*)
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 McVey, rh Esther
 Mearns, Ian
 Menzies, Mark
 Mercer, rh Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miliband, rh Edward
 Miller, rh Dame Maria
 Milling, rh Dame Amanda
 Mishra, Navendu
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Monaghan, Carol
 Moore, Damien
 Moore, Robbie
 Moran, Layla
 Mordaunt, rh Penny
 Morden, Jessica
 Morgan, Helen
 Morgan, Stephen
 Morris, David
 Morris, Grahame
 Morris, James
 Morrissey, Joy
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Ian
 Murray, James
 Murray, Mrs Sheryll

Murrison, rh Dr Andrew
 Nandy, Lisa
 Neill, Sir Robert
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John (*Proxy vote
cast by Marion Fellows*)
 Norris, Alex
 Offord, Dr Matthew
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Opperman, Guy
 Oppong-Asare, Abena
 Osamor, Kate
 Osborne, Kate
 Oswald, Kirsten
 Owatemi, Taiwo (*Proxy vote
cast by Chris Elmore*)
 Owen, Sarah
 Patel, rh Priti
 Pawsey, Mark
 Peacock, Stephanie
 Penning, rh Sir Mike
 Pennycook, Matthew
 Penrose, John
 Percy, Andrew
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Philp, rh Chris
 Pollard, Luke
 Poulter, Dr Dan
 Pow, Rebecca
 Powell, Lucy
 Prentis, rh Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Qaisar, Ms Anum
 Quin, rh Sir Jeremy
 Quince, Will
 Qureshi, Yasmin
 Rayner, rh Angela
 Reed, Steve
 Rees, Christina
 Reeves, Ellie
 Ribeiro-Addy, Bell
 Richards, Nicola
 Richardson, Angela
 Rimmer, Ms Marie
 Roberts, Mr Rob
 Robinson, Mary
 Rodda, Matt
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Russell-Moyle, Lloyd
 Rutley, David
 Saville Roberts, rh Liz
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shah, Naz
 Shanks, Michael
 Shapps, rh Grant
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Shelbrooke, rh Sir Alec
 Sheppard, Tommy
 Siddiq, Tulip
 Simmonds, David

Slaughter, Andy	Trott, rh Laura
Smith, Alyn	Tuckwell, Steve
Smith, Cat	Tugendhat, rh Tom
Smith, rh Chloe	Turner, Karl
Smith, Jeff	Twigg, Derek
Smith, rh Julian	Twist, Liz
Smith, Nick	Vara, rh Shailesh
Smith, Royston	Vaz, rh Valerie
Smyth, Karin	Vickers, Martin
Sobel, Alex	Vickers, Matt
Solloway, Amanda	Villiers, rh Theresa
Spellar, rh John	Wakeford, Christian
Spencer, Dr Ben	Walker, Sir Charles
Spencer, rh Mark	Walker, Mr Robin
Stafford, Alexander	Wallis, Dr Jamie
Starmer, rh Keir	Warman, Matt
Stephens, Chris	Watling, Giles
Stephenson, rh Andrew	Webb, Suzanne
Stevens, Jo	Webbe, Claudia
Stevenson, John	West, Catherine
Stewart, rh Bob	Western, Andrew
Stewart, Iain	Western, Matt
Stone, Jamie	Whately, Helen
Strathern, Alistair	Wheeler, Mrs Heather
Streeter, Sir Gary	Whitehead, Dr Alan
Streeting, Wes	Whitford, Dr Philippa (<i>Proxy</i> <i>vote cast by Marion</i> <i>Fellows</i>)
Stride, rh Mel	Whitley, Mick
Stringer, Graham	Whittaker, rh Craig (<i>Proxy</i> <i>vote cast by Mr Marcus</i> <i>Jones</i>)
Stuart, rh Graham	Whittingdale, rh Sir John
Sturdy, Julian	Whittome, Nadia
Sultana, Zarah	Wild, James
Sunak, rh Rishi	Williams, rh Craig
Sunderland, James	Williams, Hywel
Syms, Sir Robert	Williamson, rh Sir Gavin
Tami, rh Mark	Wilson, Munira
Tarry, Sam	Winter, Beth
Thewliss, Alison	Wishart, Pete
Thomas, Derek	Wood, Mike
Thomas, Gareth	Wragg, Mr William
Thomas-Symonds, rh Nick	Wright, rh Sir Jeremy
Thompson, Owen	Yasin, Mohammad
Thomson, Richard	Young, Jacob
Thornberry, rh Emily	Zahawi, rh Nadhim
Throup, Maggie	Zeichner, Daniel
Timms, rh Sir Stephen	
Timpson, Edward	
Tolhurst, rh Kelly	
Tomlinson, Justin	
Tomlinson, Michael	
Tracey, Craig	Tellers for the Noes:
Trevelyan, rh Anne-Marie	Robert Largan and
Trickett, Jon	Aaron Bell

Question accordingly negated.

Question put (single Question on successive provisions of the Bill), That clauses 5 to 8 stand part of the Bill.

The Committee divided: Ayes 340, Noes 263.

Division No. 56]

[7.24 pm

AYES

Afolami, Bim	Argar, rh Edward
Afriyie, Adam	Atherton, Sarah
Aiken, Nickie	Atkins, rh Victoria
Aldous, Peter	Bacon, Gareth
Allan, Lucy (<i>Proxy vote cast</i> <i>by Mr Marcus Jones</i>)	Bacon, Mr Richard (<i>Proxy</i> <i>vote cast by Mr Marcus</i> <i>Jones</i>)
Anderson, Lee	Badenoch, rh Kemi
Anderson, Stuart	Bailey, Shaun
Andrew, rh Stuart	Baillie, Siobhan
Ansell, Caroline	

Baker, Duncan	Duddridge, Sir James (<i>Proxy</i> <i>vote cast by Mr Mark</i> <i>Francois</i>)
Baker, rh Mr Steve	Duguid, David
Baldwin, Harriett	Duncan Smith, rh Sir Iain
Barclay, rh Steve	Dunne, rh Philip
Baron, Mr John	Eastwood, Mark
Baynes, Simon	Edwards, Ruth
Benton, Scott	Ellis, rh Sir Michael
Beresford, Sir Paul	Ellwood, rh Mr Tobias
Berry, rh Sir Jake	Elphicke, Mrs Natalie
Bhatti, Saqib	Eustice, rh George
Blackman, Bob	Evans, Dr Luke
Bottomley, Sir Peter	Evennett, rh Sir David
Bowie, Andrew	Everitt, Ben
Bradley, Ben	Fabricant, Michael
Bradley, rh Dame Karen	Farris, Laura
Brady, rh Sir Graham	Fell, Simon
Braverman, rh Suella	Firth, Anna
Brereton, Jack	Fletcher, Katherine
Bridgen, Andrew	Fletcher, Mark
Brine, Steve	Fletcher, Nick
Bristow, Paul	Ford, rh Vicky
Britcliffe, Sara	Foster, Kevin
Browne, Anthony	Fox, rh Sir Liam
Bruce, Fiona	Francois, rh Mr Mark
Buchan, Felicity	Frazer, rh Lucy
Burghart, Alex	Freeman, George
Burns, rh Sir Conor	Freer, Mike
Butler, Rob	French, Mr Louie
Cairns, rh Alun	Fuller, Richard
Cameron, Dr Lisa	Garnier, Mark
Carter, Andy	Ghani, Ms Nusrat
Cartlidge, James	Gibb, rh Nick
Cates, Miriam	Gibson, Peter
Caulfield, Maria	Gideon, Jo
Chalk, rh Alex	Glen, rh John
Chope, Sir Christopher	Goodwill, rh Sir Robert
Churchill, Jo	Gove, rh Michael
Clark, rh Greg	Graham, Richard
Clarke, rh Sir Simon	Grant, Mrs Helen (<i>Proxy vote</i> <i>cast by Mr Marcus Jones</i>)
Clarke, Theo	Gray, James
Clarke-Smith, Brendan	Grayling, rh Chris
Clarkson, Chris	Green, Chris
Cleverly, rh James	Green, rh Damian
Clifton-Brown, Sir Geoffrey	Griffith, Andrew
Coffey, rh Dr Thérèse	Grundy, James
Colburn, Elliot	Gullis, Jonathan
Collins, Damian	Halfon, rh Robert
Costa, Alberto	Hall, Luke
Courts, Robert	Hammond, Stephen
Coutinho, rh Claire	Hancock, rh Matt
Cox, rh Sir Geoffrey	Hands, rh Greg
Crabb, rh Stephen	Harper, rh Mr Mark
Crosbie, Virginia	Harris, Rebecca
Crouch, Tracey	Harrison, Trudy
Daly, James	Hart, Sally-Ann
Davies, rh David T. C.	Hart, rh Simon
Davies, Gareth	Heald, rh Sir Oliver
Davies, Dr James	Heappey, rh James
Davies, Mims	Heaton-Harris, rh Chris
Davies, Philip	Henry, Darren
Davis, rh Sir David	Higginbotham, Antony
Davison, Dehenna	Hinds, rh Damian
Dinenage, Dame Caroline	Hoare, Simon
Dines, Miss Sarah	Holden, rh Mr Richard
Djanogly, Mr Jonathan	Hollinrake, Kevin
Docherty, Leo	Hollobone, Mr Philip
Donelan, rh Michelle	Holloway, Adam
Double, Steve	Holmes, Paul
Dowden, rh Oliver	
Doyle-Price, Dame Jackie	
Drax, Richard	
Drummond, Mrs Flick	

Howell, John (*Proxy vote cast by Mr Marcus Jones*)
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane (*Proxy vote cast by Mr Marcus Jones*)
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Javid, rh Sir Sajid
 Jayawardena, rh Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Dame Andrea
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, rh Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Keegan, rh Gillian
 Knight, rh Sir Greg
 Kniveton, Kate (*Proxy vote cast by Mr Marcus Jones*)
 Kruger, Danny
 Kwarteng, rh Kwasi
 Lamont, John
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Sir Brandon
 Lewis, rh Sir Julian
 Liddell-Grainger, Mr Ian
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 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
 McCartney, Karl
 McPartland, rh Stephen
 McVey, rh Esther
 Menzies, Mark
 Mercer, rh Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Dame Maria
 Milling, rh Dame Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morrissey, Joy
 Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 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 Sir Jeremy
 Quince, Will
 Raab, rh Dominic
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Sir Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Mr Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Shelbrooke, rh Sir Alec
 Simmonds, David
 Smith, rh Chloe
 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, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel

Stuart, rh Graham
 Sturdy, Julian
 Sunak, rh Rishi
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, rh Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, rh Laura
 Truss, rh Elizabeth
 Tuckwell, Steve
 Tugendhat, rh Tom
 Vara, rh Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, rh Craig (*Proxy vote cast by Mr Marcus Jones*)
 Whittingdale, rh Sir John
 Wiggin, Sir Bill
 Wild, James
 Williams, rh Craig
 Williamson, rh Sir Gavin
 Wilson, rh Sammy
 Wood, Mike
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob
 Zahawi, rh Nadhim
Tellers for the Ayes:
Robert Largan and
Aaron Bell

NOES

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
 Blake, Olivia
 Blomfield, Paul
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Ms Lyn
 Bryant, Sir Chris
 Burgon, Richard
 Butler, Dawn
 Byrne, Ian
 Byrne, rh Liam
 Cadbury, Ruth
 Callaghan, Amy (*Proxy vote cast by Marion Fellows*)
 Campbell, rh Sir Alan
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Cherry, Joanna
 Clark, Feryal
 Cooper, Daisy
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela (*Proxy vote cast by Owen Thompson*)
 Creasy, Stella
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Dalton, Ashley
 Davey, rh Ed
 David, Wayne
 Davies-Jones, Alex
 Day, Martyn
 De Cordova, Marsha
 Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Dixon, Samantha
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Dorans, Allan (*Proxy vote cast by Marion Fellows*)
 Doughty, Stephen
 Dowd, Peter
 Duffield, Rosie
 Dyke, Sarah
 Eagle, Dame Angela
 Eagle, rh Maria
 Eastwood, Colum
 Edwards, Jonathan
 Edwards, Sarah
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Eshalomi, Florence
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Fellows, Marion
 Fletcher, Colleen
 Flynn, Stephen
 Foord, Richard
 Fovargue, Yvonne
 Foxcroft, Vicky
 Foy, Mary Kelly
 Furniss, Gill

Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hamilton, Mrs Paulette
Hanna, Claire
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Rachel
Hosie, rh Stewart
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, rh Dame Diana
Johnson, Kim
Jones, Darren
Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Law, Chris
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
Mather, Keir
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Dame Siobhain
McDonald, Andy (*Proxy vote
cast by Ian Mearns*)
McDonald, Stewart Malcolm

McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
McMorris, Anna
Mearns, Ian
Miliband, rh Edward
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John (*Proxy vote
cast by Marion Fellows*)
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Oswald, Kirsten
Owatemi, Taiwo (*Proxy vote
cast by Chris Elmore*)
Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Pollard, Luke
Powell, Lucy
Qaisar, Ms Anum
Qureshi, Yasmin
Rayner, rh Angela
Reed, Steve
Rees, Christina
Reeves, Ellie
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Shanks, Michael
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie

Strathern, Alistair
Streeter, Wes
Stringer, Graham
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
Twist, Liz
Vaz, rh Valerie
Wakeford, Christian

Webbe, Claudia
West, Catherine
Western, Andrew
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa (*Proxy
vote cast by Marion
Fellows*)
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Noes:
**Kirsty Blackman and
Steven Bonnar**

Question accordingly agreed to.

Clauses 5 to 8 ordered to stand part of the Bill.

Clause 9

COMMENCEMENT AND TRANSITIONAL PROVISION

Amendment proposed: 36, page 6, line 39, after “force” insert

“, or the day on which a full economic impact assessment for the bill is published including any financial memorandum signed between Rwanda and the UK relating to the Rwanda Treaty, whichever is later”.—(*Stephen Kinnock.*)

This amendment requires the publication of a full impact assessment on the costs involved in removals to Rwanda under the bill, including per-person removal costs and the confidential financial memorandum signed between the two countries, in advance of the Bill entering into force.

Question put, That the amendment be made.

The Committee divided: Ayes 263, Noes 339.

Division No. 57]

[7.38 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
Bryant, Sir Chris
Burgon, Richard
Butler, Dawn
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Callaghan, Amy (*Proxy vote
cast by Marion Fellows*)
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Cherry, Joanna
Clark, Feryal
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela (*Proxy vote
cast by Owen Thompson*)
Creasy, Stella
Cryer, John
Cummins, Judith

Cunningham, Alex
Daby, Janet
Dalton, Ashley
Davey, rh Ed
David, Wayne
Davies-Jones, Alex
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Dorans, Allan (*Proxy vote cast by Marion Fellows*)
Doughty, Stephen
Dowd, Peter
Duffield, Rosie
Dyke, Sarah
Eagle, Dame Angela
Eagle, rh Maria
Eastwood, Colum
Edwards, Jonathan
Edwards, Sarah
Efford, Clive
Elliott, Julie
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Evans, Chris
Farron, Tim
Farry, Stephen
Fellows, Marion
Fletcher, Colleen
Flynn, Stephen
Foord, Richard
Fovargue, Yvonne
Foxcroft, Vicky
Foy, Mary Kelly
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Grady, Patrick
Grant, Peter
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
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
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Rachel
Hosie, rh Stewart
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, rh Dame Diana
Johnson, Kim
Jones, Darren
Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnoch, 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
Mather, Keir
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Dame Siobhain
McDonald, Andy (*Proxy vote cast by Ian Mearns*)
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John (*Proxy vote cast by Marion Fellows*)
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate

Osborne, Kate
Oswald, Kirsten
Owatemi, Taiwo (*Proxy vote cast by Chris Elmore*)
Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Pollard, Luke
Powell, Lucy
Qaisar, Ms Anum
Qureshi, Yasmin
Rayner, rh Angela
Reed, Steve
Rees, Christina
Reeves, Ellie
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Shanks, Michael
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Strathern, Alistair
Streeting, Wes
Stringer, Graham
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
Twist, Liz
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa (*Proxy vote cast by Marion Fellows*)
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Andrew Western and
Samantha Dixon

NOES

Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy (*Proxy vote cast by Mr Marcus Jones*)
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, rh Victoria
Bacon, Gareth
Bacon, Mr Richard (*Proxy vote cast by Mr Marcus Jones*)
Badenoch, rh Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, rh Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Benton, Scott
Beresford, Sir Paul
Berry, rh Sir Jake
Bhatti, Saqib
Blackman, Bob
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Dame Karen
Brady, rh Sir Graham
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Sir Conor
Butler, Rob
Cairns, rh Alun
Cameron, Dr Lisa
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, rh Alex
Chope, Sir Christopher

Churchill, Jo
Clark, rh Greg
Clarke, rh Sir Simon
Clarke, Theo
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, rh 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 Sir David
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Doyle-Price, Dame Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, Sir James (*Proxy vote cast by Mr Mark Francois*)
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Sir Michael
Ellwood, rh Mr Tobias
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Mark
Fletcher, Nick
Ford, rh Vicky
Foster, Kevin
Fox, rh Sir Liam
Francois, rh Mr Mark
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fuller, Richard
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Glen, rh John
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen (*Proxy vote cast by Mr Marcus Jones*)
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
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
Heaton-Harris, rh Chris
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, rh Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John (*Proxy vote cast by Mr Marcus Jones*)
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane (*Proxy vote cast by Mr Marcus Jones*)
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sir Sajid
Jenkin, Sir Bernard
Jenkinson, Mark
Jenkyins, Dame Andrea
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Keegan, rh Gillian
Knight, rh Sir Greg
Kniveton, Kate (*Proxy vote cast by Mr Marcus Jones*)
Kruger, Danny
Kwarteng, rh Kwasi
Lamont, John
Latham, Mrs Pauline
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew

Lewis, rh Sir Brandon
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark
Longhi, Marco
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig (*Proxy vote cast by John Redwood*)
Mackrory, Cherylyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Mann, Scott
Marson, Julie
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McCartney, Karl
McPartland, rh Stephen
McVey, rh Esther
Menzies, Mark
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Dame Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
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 Sir Jeremy
Quince, Will
Raab, rh Dominic
Randall, Tom
Redwood, rh John
Rees-Mogg, rh Sir Jacob
Richards, Nicola
Richardson, Angela
Roberts, Mr Rob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Ross, Douglas
Rowley, Lee
Russell, Dean
Rutley, David
Sambrook, Gary
Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Shelbrooke, rh Sir Alec
Simmonds, David
Smith, rh Chloe
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, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunak, rh Rishi
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, rh Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, rh Laura
Truss, rh Elizabeth
Tuckwell, Steve
Tugendhat, rh Tom
Vara, rh Shailesh
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Sir Charles
Walker, Mr Robin
Warman, Matt
Watling, Giles
Webb, Suzanne
Whately, Helen
Wheeler, Mrs Heather
Whittaker, rh Craig (*Proxy vote cast by Mr Marcus Jones*)
Whittingdale, rh Sir John
Wiggin, Sir Bill
Wild, James
Williams, rh Craig
Williamson, rh Sir Gavin
Wilson, rh Sammy
Wood, Mike

Wragg, Mr William
Wright, rh Sir Jeremy
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Noes:
Robert Largan and
Aaron Bell

Question accordingly negated.

Question put (single Question on successive provisions of the Bill), That clauses 9 and 10 stand part of the Bill.

The Committee divided: Ayes 340, Noes 264.

Division No. 58]

[7.50 pm

AYES

Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy (*Proxy vote cast by Mr Marcus Jones*)
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, rh Victoria
Bacon, Gareth
Bacon, Mr Richard (*Proxy vote cast by Mr Marcus Jones*)
Badenoch, rh Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, rh Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Sir Jake
Bhatti, Saqib
Blackman, Bob
Bottomley, Sir Peter
Bowie, Andrew
Bradley, rh Dame Karen
Brady, rh Sir Graham
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Sir Conor
Butler, Rob
Cairns, rh Alun
Cameron, Dr Lisa
Carter, Andy
Cartlidge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, rh Alex
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Sir Simon
Clarke, Theo
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, rh 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 Sir David
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Doyle-Price, Dame Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, Sir James (*Proxy vote cast by Mr Mark Francois*)
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Sir Michael
Ellwood, rh Mr Tobias
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Nick
Ford, rh Vicky

Foster, Kevin
Fox, rh Sir Liam
Francois, rh Mr Mark
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fuller, Richard
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Glen, rh John
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen (*Proxy vote cast by Mr Marcus Jones*)
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
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
Heaton-Harris, rh Chris
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, rh Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John (*Proxy vote cast by Mr Marcus Jones*)
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane (*Proxy vote cast by Mr Marcus Jones*)
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sir Sajid
Jenkin, Sir Bernard
Jenkinson, Mark
Jenkyns, Dame Andrea
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, rh Mr Marcus

Jupp, Simon
Kawczynski, Daniel
Keegan, rh Gillian
Knight, rh Sir Greg
Kniveton, Kate (*Proxy vote cast by Mr Marcus Jones*)
Kruger, Danny
Kwarteng, rh Kwasi
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Sir Brandon
Lewis, rh Sir Julian
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark
Longhi, Marco
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig (*Proxy vote cast by John Redwood*)
Mackrory, Cherylyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Marson, Julie
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McCartney, Karl
McPartland, rh Stephen
McVey, rh Esther
Menzies, Mark
Mercer, rh Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Dame Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrissey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
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 Sir Jeremy
 Quince, Will
 Raab, rh Dominic
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Sir Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Mr Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Shelbrooke, rh Sir Alec
 Simmonds, David
 Smith, rh Chloe
 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, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel

Stuart, rh Graham
 Sturdy, Julian
 Sunak, rh Rishi
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, rh Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, rh Laura
 Truss, rh Elizabeth
 Tuckwell, Steve
 Tugendhat, rh Tom
 Vara, rh Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, rh Craig (*Proxy vote cast by Mr Marcus Jones*)
 Whittingdale, rh Sir John
 Wiggin, Sir Bill
 Wild, James
 Williams, rh Craig
 Williamson, rh Sir Gavin
 Wilson, rh Sammy
 Wood, Mike
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob
 Zahawi, rh Nadhim

Tellers for the Ayes:
 Scott Mann and
 Mark Fletcher

NOES

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
 Blake, Olivia
 Blomfield, Paul

Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Ms Lyn
 Bryant, Sir Chris
 Burgon, Richard
 Butler, Dawn
 Byrne, Ian
 Byrne, rh Liam
 Cadbury, Ruth
 Callaghan, Amy (*Proxy vote cast by Marion Fellows*)
 Campbell, rh Sir Alan
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Cherry, Joanna
 Clark, Feryal

Cooper, Daisy
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela (*Proxy vote cast by Owen Thompson*)
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Dalton, Ashley
 Davey, rh Ed
 David, Wayne
 Davies-Jones, Alex
 Day, Martyn
 De Cordova, Marsha
 Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Dixon, Samantha
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Dorans, Allan (*Proxy vote cast by Marion Fellows*)
 Doughty, Stephen
 Dowd, Peter
 Duffield, Rosie
 Dyke, Sarah
 Eagle, Dame Angela
 Eagle, rh Maria
 Eastwood, Colum
 Edwards, Jonathan
 Edwards, Sarah
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Eshalomi, Florence
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Fellows, Marion
 Fletcher, Colleen
 Flynn, Stephen
 Foord, Richard
 Fovargue, Yvonne
 Foxcroft, Vicky
 Foy, Mary Kelly
 Furniss, Gill
 Gardiner, Barry
 Gibson, Patricia
 Gill, Preet Kaur
 Glindon, Mary
 Grady, Patrick
 Grant, Peter
 Green, Sarah
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Dame Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 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
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, rh Stewart
 Howarth, rh Sir George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, rh Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 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
 Mather, Keir
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Dame Siobhain
 McDonald, Andy (*Proxy vote cast by Ian Mearns*)
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Moran, Layla
 Morden, Jessica
 Morgan, Helen
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian

Murray, James	Sobel, Alex
Nandy, Lisa	Spellar, rh John
Newlands, Gavin	Starmar, rh Keir
Nichols, Charlotte	Stephens, Chris
Nicolson, John (<i>Proxy vote cast by Marion Fellows</i>)	Stevens, Jo
Norris, Alex	Stone, Jamie
O'Hara, Brendan	Strathern, Alistair
Olney, Sarah	Streeter, Wes
Onwurah, Chi	Stringer, Graham
Oppong-Asare, Abena	Sultana, Zarah
Osamor, Kate	Tami, rh Mark
Osborne, Kate	Tarry, Sam
Oswald, Kirsten	Thewliss, Alison
Owatemi, Taiwo (<i>Proxy vote cast by Chris Elmore</i>)	Thomas, Gareth
Owen, Sarah	Thomas-Symonds, rh Nick
Peacock, Stephanie	Thompson, Owen
Pennycook, Matthew	Thomson, Richard
Perkins, Mr Toby	Thornberry, rh Emily
Phillips, Jess	Timms, rh Sir Stephen
Phillipson, Bridget	Trickett, Jon
Pollard, Luke	Turner, Karl
Qaisar, Ms Anum	Twigg, Derek
Qureshi, Yasmin	Twist, Liz
Rayner, rh Angela	Vaz, rh Valerie
Reed, Steve	Wakeford, Christian
Rees, Christina	Webbe, Claudia
Reeves, Ellie	West, Catherine
Ribeiro-Addy, Bell	Western, Andrew
Rimmer, Ms Marie	Western, Matt
Rodda, Matt	Whitehead, Dr Alan
Russell-Moyle, Lloyd	Whitford, Dr Philippa (<i>Proxy vote cast by Marion Fellows</i>)
Saville Roberts, rh Liz	Whitley, Mick
Shah, Naz	Whittome, Nadia
Shanks, Michael	Williams, Hywel
Sharma, Mr Virendra	Wilson, Munira
Sheerman, Mr Barry	Winter, Beth
Sheppard, Tommy	Wishart, Pete
Siddiq, Tulip	Yasin, Mohammad
Slaughter, Andy	Zeichner, Daniel
Smith, Alyn	
Smith, Cat	
Smith, Jeff	
Smith, Nick	
Smyth, Karin	

Tellers for the Noes:
Kirsty Blackman and
Steven Bonnar

Question accordingly agreed to.

Clauses 9 and 10 ordered to stand part of the Bill.

New Clause 8

RETURN OF INDIVIDUALS DUE TO SERIOUS CRIMINAL OFFENCES

“(1) A Minister of the Crown must lay a statement before Parliament within 40 days if both of the following conditions are met—

- (a) the Secretary of State has approved a request from the Republic of Rwanda to return to the UK a person previously relocated under the terms of the Rwanda Treaty,
- (b) the person specified in (a) had their permission to remain in the Republic of Rwanda revoked owing to the person's participation in serious crime.

(2) If Parliament is notified of the conditions being met as set out in section (1),—

- (a) a motion must be moved by a Minister of the Crown to be debated on the floor of the House of Commons, and
- (b) the motion must require the House to—
 - (i) consider the statement laid before Parliament under section (1), and

- (ii) consider whether or not as a result of the contents of the statement, there should be a suspension of the Rwanda Treaty.

(3) For the purposes of this section—

“the Rwanda Treaty” means the agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Rwanda for the provision of an asylum partnership to strengthen shared international commitments on the protection of refugees and migrants, signed at Kigali on 5 December 2023;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.”—(*Stephen Kinnock.*)

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 264, Noes 338.

Division No. 59]

[8.2 pm

AYES

Abbott, rh Ms Diane (<i>Proxy vote cast by Bell Ribeiro- Addy</i>)	Creasy, Stella
Abrahams, Debbie	Cruddas, Jon
Ali, Rushanara	Cryer, John
Ali, Tahir	Cummins, Judith
Allin-Khan, Dr Rosena	Cunningham, Alex
Amesbury, Mike	Daby, Janet
Anderson, Fleur	Dalton, Ashley
Antoniazzi, Tonia	Davey, rh Ed
Ashworth, rh Jonathan	David, Wayne
Bardell, Hannah	Davies-Jones, Alex
Barker, Paula	Day, Martyn
Beckett, rh Margaret	De Cordova, Marsha
Begum, Apsana	Debbonaire, Thangam
Benn, rh Hilary	Dhesi, Mr Tanmanjeet Singh
Betts, Mr Clive	Docherty-Hughes, Martin
Black, Mhairi	Dodds, Anneliese
Blackford, rh Ian	Dorans, Allan (<i>Proxy vote cast by Marion Fellows</i>)
Blackman, Kirsty	Doughty, Stephen
Blake, Olivia	Dowd, Peter
Blomfield, Paul	Duffield, Rosie
Bonnar, Steven	Dyke, Sarah
Bradshaw, rh Mr Ben	Eagle, Dame Angela
Brennan, Kevin	Eagle, rh Maria
Brock, Deidre	Eastwood, Colum
Brown, Alan	Edwards, Jonathan
Brown, Ms Lyn	Edwards, Sarah
Bryant, Sir Chris	Efford, Clive
Burgon, Richard	Elliott, Julie
Butler, Dawn	Elmore, Chris
Byrne, Ian	Eshalomi, Florence
Byrne, rh Liam	Esterson, Bill
Cadbury, Ruth	Evans, Chris
Callaghan, Amy (<i>Proxy vote cast by Marion Fellows</i>)	Farron, Tim
Campbell, rh Sir Alan	Farry, Stephen
Carden, Dan	Fellows, Marion
Carmichael, rh Mr Alistair	Fletcher, Colleen
Chamberlain, Wendy	Flynn, Stephen
Champion, Sarah	Foord, Richard
Chapman, Douglas	Fovargue, Yvonne
Cherry, Joanna	Foxcroft, Vicky
Clark, Feryal	Foy, Mary Kelly
Cooper, Daisy	Furniss, Gill
Cooper, rh Yvette	Gardiner, Barry
Corbyn, rh Jeremy	Gibson, Patricia
Cowan, Ronnie	Gill, Preet Kaur
Coyle, Neil	Glindon, Mary
Crawley, Angela (<i>Proxy vote cast by Owen Thompson</i>)	Grady, Patrick
	Grant, Peter
	Green, Sarah
	Greenwood, Lilian

Greenwood, Margaret
Griffith, Dame Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hamilton, Mrs Paulette
Hanna, Claire
Harvey, Neale
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Rachel
Hosie, rh Stewart
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, rh Dame Diana
Johnson, Kim
Jones, Darren
Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Jones, Sarah
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Law, Chris
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
Mather, Keir
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Dame Siobhain
McDonald, Andy (*Proxy vote
cast by Ian Mearns*)
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine

McLaughlin, Anne
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John (*Proxy vote
cast by Marion Fellows*)
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Osborne, Kate
Oswald, Kirsten
Owatemi, Taiwo (*Proxy vote
cast by Chris Elmore*)
Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Pollard, Luke
Powell, Lucy
Qaisar, Ms Anum
Qureshi, Yasmin
Rayner, rh Angela
Reed, Steve
Rees, Christina
Reeves, Ellie
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Shah, Naz
Shanks, Michael
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Strathern, Alistair
Streeting, Wes
Stringer, Graham
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
Twist, Liz
Vaz, rh Valerie
Wakeford, Christian
Webbe, Claudia
West, Catherine
Western, Matt

Whitehead, Dr Alan
Whitford, Dr Philippa (*Proxy
vote cast by Marion
Fellows*)
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
**Andrew Western and
Samantha Dixon**

NOES

Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy (*Proxy vote cast
by Mr Marcus Jones*)
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, rh Victoria
Bacon, Gareth
Bacon, Mr Richard (*Proxy
vote cast by Mr Marcus
Jones*)
Badenoch, rh Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, rh Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Sir Jake
Bhatti, Saqib
Blackman, Bob
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Dame Karen
Brady, rh Sir Graham
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Sir Conor
Butler, Rob
Cairns, rh Alun
Cameron, Dr Lisa
Carter, Andy

Cartledge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, rh Alex
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Sir Simon
Clarke, Theo
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, rh 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 Sir David
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Doyle-Price, Dame Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, Sir James (*Proxy
vote cast by Mr Mark
Francois*)
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Sir Michael
Ellwood, rh Mr Tobias
Elphicke, Mrs Natalie
Eustice, rh George

Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Firth, Anna
 Fletcher, Katherine
 Fletcher, Nick
 Ford, rh Vicky
 Foster, Kevin
 Fox, rh Sir Liam
 Francois, rh Mr Mark
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Glen, rh John
 Goodwill, rh Sir Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen (*Proxy vote cast by Mr Marcus Jones*)
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 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
 Heaton-Harris, rh Chris
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, rh Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, John (*Proxy vote cast by Mr Marcus Jones*)
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane (*Proxy vote cast by Mr Marcus Jones*)
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Javid, rh Sir Sajid
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Dame Andrea
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, rh Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Keegan, rh Gillian
 Knight, rh Sir Greg
 Kniveton, Kate (*Proxy vote cast by Mr Marcus Jones*)
 Kruger, Danny
 Kwarteng, rh Kwasi
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Sir Brandon
 Liddell-Grainger, Mr Ian
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig (*Proxy vote cast by John Redwood*)
 Mackrory, Cheryllyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, rh Stephen
 McVey, rh Esther
 Menzies, Mark
 Mercer, rh Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Dame Maria
 Milling, rh Dame Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David

Morris, James
 Morrissey, Joy
 Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 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 Sir Jeremy
 Quince, Will
 Raab, rh Dominic
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Sir Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Mr Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Shelbrooke, rh Sir Alec
 Simmonds, David
 Smith, rh Chloe
 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, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, rh Graham
 Sturdy, Julian
 Sunak, rh Rishi
 Sunderland, James
 Swayne, rh Sir Desmond
 Symms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, rh Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, rh Laura
 Truss, rh Elizabeth
 Tuckwell, Steve
 Tugendhat, rh Tom
 Vara, rh Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, rh Craig (*Proxy vote cast by Mr Marcus Jones*)
 Whittingdale, rh Sir John
 Wiggins, Sir Bill
 Wild, James
 Williams, rh Craig
 Williamson, rh Sir Gavin
 Wilson, rh Sammy
 Wood, Mike
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob
 Zahawi, rh Nadhim
Tellers for the Noes:
Scott Mann and
Mark Fletcher

Question accordingly negated.

Clause 1 ordered to stand part of the Bill.

The Speaker resumed the Chair.

Bill reported, without amendment (Standing Order No. 83D(6)).

Speaker's Statement: Sir Tony Lloyd

8.16 pm

Mr Speaker: It is with great sorrow that I inform the House of the death of Sir Tony Lloyd. He was a valued colleague, who spent his life in public service. He will be remembered on all sides of the House with respect and affection. I am sure the House will join me in sending our sympathy to his family in their loss. [HON. MEMBERS: "Hear, hear."]

There will be an opportunity for Members to participate in a minute's silence tomorrow, and to pay further tributes at a later date. I want to do that.

Keir Starmer (Holborn and St Pancras) (Lab): On a point of order, Mr Speaker. I know there will be tributes in due course, because many people in this House will want to speak in that session, but I am grateful for this point of order just to say a few words about Tony and this terrible loss this afternoon.

We are all deeply saddened at the loss of Tony. I spoke to him last Thursday, when he left hospital for the last time to spend as much time as he could with his family, and was able to pass on to him our thoughts, our respect and our affection for him and for his commitment, his public service and, frankly, his sheer decency. [HON. MEMBERS: "Hear, hear."]

I know that that is felt not just across the Labour party and the Labour movement, but across this House and beyond. May I say thank you to those opposite who have sent messages? It is a great comfort to his family to know the respect that he was held in across this House. Our thoughts this evening are of course with his family at this difficult time.

Mr Speaker: As I say, there will be a minute's silence tomorrow, and I will give the House an opportunity for further tributes to be paid.

Safety of Rwanda (Asylum and Immigration) Bill

Third Reading (Programme Order, 12 December 2023)

8.18 pm

The Secretary of State for the Home Department (James Cleverly): I beg to move, That the Bill be now read the Third time.

I of course echo the tributes to Sir Tony.

The Prime Minister, the Government and I have been clear that we will do whatever it takes to stop the boats, and we have of course been making progress on that pledge, reducing small boat arrivals by over a third last year, but to stop the boats completely and to stop them for good we need to deter people from making these dangerous journeys—from risking their lives and from lining the pockets of evil, criminal people-smuggling gangs.

The new legally binding treaty with the Government of the Republic of Rwanda responds directly to the Supreme Court's concerns, reflecting the strength of the Government of Rwanda's protections and commitments. This Bill sends an unambiguously clear message that if you enter the United Kingdom illegally, you cannot stay. This Bill has been meticulously drafted to end the merry-go-round of legal challenges; people will not be able to use our asylum laws, human rights laws or judicial reviews to block their legitimate removal. And the default will be for claims to be heard outside of this country. Only a very small number of migrants who face a real and imminent risk of serious and irreversible harm will be able to appeal decisions in the UK.

Mr Tobias Ellwood (Bournemouth East) (Con): As things stand, can the Home Secretary confirm that if this Bill receives Royal Assent it will not breach international law; yes or no?

James Cleverly: My right hon. Friend raises an important point and it gives me an opportunity to be unambiguous and clear. As drafted, as we intend this Bill to progress, it will be in complete compliance with international law. The UK takes international law seriously and the countries we choose to partner with internationally also take international law seriously.

Sir William Cash (Stone) (Con): The previous intervention was extremely apposite. Will the Foreign Secretary be kind enough to give me the advice as to why he said what he just did about no breaches of international law?

James Cleverly: My hon. Friend will know that the Government do not make their legal advice public. We have put forward, of course, an explanation of our position but I am absolutely confident that we will maintain our long-standing tradition of being a country that not just abides by international law but champions and defends it.

Under our new legislation migrants will not be able to frustrate the decision to remove them to Rwanda by bringing systemic challenges about the general safety of Rwanda.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Can the Home Secretary assure us that if this Bill is passed tonight there will be a system in place that accurately tests its success, month by month and week by week, so that we know that all this anger, all this frustration, all this work is not for nothing?

James Cleverly: The hon. Gentleman certainly speaks for a number of Members in the House, although maybe not too many on his own Benches, because it sounds as if he wants this to work, whereas plenty of Opposition Members have tried to frustrate our attempts to deal with illegal migration. But we will of course want to assess the success because we want to be proud of the fact that this Government, unlike the Opposition parties, actually care about strengthening our borders and defending ourselves against those evil people smugglers and their evil trade.

To be clear, we will disapply the avenues used by individuals that blocked the first flight to Rwanda, including asylum and human rights claims. Without that very narrow route to individual challenge, we would undermine the treaty that we have just signed with Rwanda and run the very serious risk of collapsing the scheme, and that must not be allowed to happen. But if people attempt to use this route simply as a delaying tactic, they will have their claim dismissed by the Home Office and they will be removed.

The Bill also ensures that it is for Ministers and Ministers alone to decide whether to comply with the ECHR interim measures, because it is for the British people and the British people alone to decide who comes and who stays in this country. The Prime Minister said he would not have included that clause unless we were intending and prepared to use it, and that is very much the case. We will not let foreign courts prevent us from managing our own borders. As reiterated by the Cabinet Office today, it is the established case that civil servants under the civil service code are there to deliver the decisions of Ministers of the Crown.

The Bill is key to stopping the boats once and for all. To reassure some of the people who have approached me with concerns, I remind them that Albanians previously made up around a third of small boat arrivals, but through working intensively and closely with Albania and its Government, more than 5,000 people with no right to be here have been returned. The deterrent was powerful enough to drive down arrivals from Albania by more than 90%. Strasbourg has not intervened, flights from Rwanda have not been stopped and the House should understand that this legislation once passed will go even further and be even stronger than the legislation that underpins the Albania agreement.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): We obviously support the Albania agreement, but will the Home Secretary confirm that only 5% of Albanians who have arrived in the country over the past few years on small boats have been returned or removed? What has happened to the other 95%?

James Cleverly: As I have said, it is about deterrence, and the deterrent effect is clear for anyone to see, with a more than 90% reduction in the number of Albanians who have arrived on these shores.

I am glad that the shadow Home Secretary chose this point to intervene, because it reminds me that the Labour party has no credible plans at all to manage our borders. The Opposition have tried to obstruct our plans to tackle illegal migration over and over again—more than 80 times. They even want to cut a deal with the EU that would see us receive 100,000 extra illegal migrants each and every year. [*Interruption.*] They cheer. The shadow Home Secretary is pleased with the idea that we are going to receive an extra 100,000 every year. They can laugh, but we take this issue seriously, because it is not what our country needs and it is not what our constituents want.

We are united in agreement that stopping the boats and getting the Rwanda partnership up and running is of the utmost importance. Having a debate about how to get the policy right is of course what this House is for. That is our collective job, and I respect my good friends and colleagues on the Government Benches for putting forward amendments in good faith to do what they believe will strengthen the Bill. While my party sits only a short physical distance from the parties on the Opposition Benches, the gulf between our aspiration to control our borders and their blasé laissez-faire attitude to border control could not be more stark. Stopping the boats is not just a question of policy; it is a question of morality and of fairness. It is this Government—this Conservative party—who are the only party in this House taking this issue as seriously as we should. I urge this House to stick with our plan and stop the boats.

8.28 pm

Yvette Cooper: May I first add my tributes to Tony Lloyd? He did such wonderful work in policing, as well as in this place.

What a farce. Today and yesterday have been more days of Tory chaos and carnage. We have a Prime Minister with no grip, while the British taxpayer is continually forced to pay the price. Former Tory Cabinet Ministers and deputy chairs from all sides have been queueing up to tell us it is a bad Bill. They say it will not work, it will not protect our borders, it will not comply with international law and it is fatally flawed. The only thing that the Tories all seem to agree on is that the scheme is failing and the law will not solve it. The Prime Minister is failing, too, and they know it.

We have a failing Rwanda scheme that is costing Britain £400 million, that sent more Home Secretaries than asylum seekers to Kigali and that will only apply to less than 1% of those arriving in the UK. This is the third Tory law on channel crossings in two years. It will get through tonight, just like the previous two Bills did—even though they failed. Just like the last two, it is a total con on the British people. This chaos leaves the Prime Minister's authority in tatters. He is in office but not in power. No one agrees with him on his policy, and the real weakness is that he does not even agree with it himself. The Prime Minister is so weak that he has lost control of the asylum system, lost control of our borders and lost any control of the Tory party.

Sixty Tory MPs have voted against the Government, two deputy chairs were sacked, a Home Secretary and Immigration Minister have formerly been lost, and Cabinet Ministers have been briefing openly that they do not support the Bill. The Home Secretary himself thinks it is “batshit”, the Prime Minister tried to cancel it and yet is so weak that they are still going ahead.

[Yvette Cooper]

Under the Tories, we have seen border security weakened while criminal gangs take hold, because they have not taken the action that we need. The backlogs soar; the budget bust. Criminal smuggler convictions have dropped by 30%, and returns have halved. That is instead of the practical plans that Labour set out to set up the new returns and enforcement unit to stop the Home Office from just losing thousands of people that it cannot keep track of, to stop the halving of the returns unit, to set up the new security powers to go after the criminal gangs and stop the 30% drop in criminal gang smuggler convictions, and to have the additional cross-border police unit that we could be investing in if we were not spending so much money on this failing Rwanda scheme.

Four hundred million pounds of taxpayers' money is going to Rwanda, all without a single person being sent. That is all in addition to the Government's whopping multibillion-pound hotel bill. Of course, if they get flights off, it will probably cost another £10 million to £20 million for every 100 people they actually manage to send. President Kagame made an astonishing intervention this afternoon. He said that he is happy for the scheme to be scrapped and may be offering to refund the money. Think what we could do with £400 million—that is more than a third of the budget of the National Crime Agency.

The Kigali Government have clarified the position this afternoon—and it is even worse. They said:

“Under the terms of the agreement, Rwanda has no obligation to return any of the funds paid...if no migrants come to Rwanda under the scheme, and the UK government wishes to request a refund of the portion of the funding allocated to support...we will consider this request.

Unbelievable. The Government signed a deal and a whole series of cheques to send hundreds of millions of pounds of British taxpayers' money to Rwanda for a scheme that they were warned would not work, might be unlawful, would not work as a deterrent, would be unenforceable and would be at high risk of fraud. They signed it because they do not give a damn about taxpayers' money. Now they want to pass the Bill and spend even more taxpayers' money on this failing scheme.

The scheme is likely to cover less than 1% of the people who arrived in the country last year. More than 90,000 people applied for asylum, and the Court of Appeal said that Rwanda had capacity for only 100 people. The Immigration Minister admitted that it is just a few hundred, and not any time soon. If the Government ever finally implement the Illegal Migration Act 2023, that will immediately create a list of 35,000 people the Home Secretary is supposed to send immediately to Rwanda. At this rate, it will take the Government 100 years to implement their own failing policy.

To be honest, it is probably even worse than that, because they cannot even find most of the 5,000 people they put on the initial Rwanda list. It is totally unbelievable: in the space of about 18 months, the Prime Minister and the Home Secretary have literally lost 4,200 people they planned to send to Rwanda. I bet the Prime Minister wishes he could lose a few of those Home Secretaries he managed to send.

Robert Jenrick (Newark) (Con) *rose—*

Yvette Cooper: The Prime Minister did also lose his Immigration Minister as part of the chaos of the last few weeks and months—I give way to the former Immigration Minister.

Robert Jenrick: If the shadow Home Secretary does not like the Rwanda policy, why did she brief *The Times* over the Christmas holidays that she was in favour of an offshore processing scheme, which everyone knows is more expensive than a scheme like Rwanda and has far less deterrent effect? It seems that everything she does not like is her plan, except she did not have the guts to put her name to it, so she briefed *The Times* anonymously.

Yvette Cooper: Nice try with total nonsense from the former Immigration Minister, who has a history of making things up. It is not clear that there is anything on the planet more expensive per person than the Government's Rwanda scheme: £400 million to send nobody to Rwanda and to totally fail. I give the former Immigration Minister credit for exposing the Government and the Prime Minister's real plan—in his words, to try and get a few “symbolic flights” off before a general election, with a small number of people on them.

Not to worry about handing over a small fortune to another country, or the fact that all this focus on one small, failing scheme means that the Government are failing to go after the gangs. They have lost thousands of people the Home Office should be tracking. Not to worry that this new law is so badly drawn up that, frankly, the Government may be ordered by the courts to bring people back, at further huge cost to the British taxpayer, turning the whole thing into an even bigger farce.

This is not a workable policy; it is a massive, costly con. The Government are trying to con voters and con their own party, but everyone can see through it. A £400 million Rwanda scheme for a few hundred people is like the emperor's new clothes. The Prime Minister and his Immigration Ministers have been desperately spinning the invisible thread, but we can all see through it. The Home Secretary is wandering naked around this Chamber, waving a little treaty as a fig leaf to hide his modesty behind. I admit, he does not have much modesty to hide.

There are things that the Home Secretary and I agree on. We agree on working with France. We agree on the deal with Albania. We agree on the importance of stopping dangerous boat crossings that are undermining border security and putting lives at risk. I think he probably agrees with us about the failings of the policy he is trying to defend today. We need stronger border security and a properly controlled and managed asylum system so that the UK does its bit to help those fleeing persecution and conflict, and those who have no right to be here are returned. We need Labour's plan for the new security powers, the new cross-border police, the new security agreement, the new returns and enforcement unit, the clearing of the backlog, the ending of hotel use, and keeping track of the thousands of people the Home Secretary has lost.

The Government will get their law through tonight—the third new law in two years; the third Home Secretary to visit Rwanda with a cheque book; the third bilateral agreement with Rwanda. Tory Back Benchers have been saying that it should be three strikes and you're out. We are now on three, six, nine strikes, and they have not even got to first base, because every time they bring

forward a new law, it makes things worse. The first new law failed because its main provisions are now suspended. The second new law failed with the main provisions not even implemented.

Forgive us for not believing a word the Government say, and for voting against a third failing Bill today. The only difference now is that none of their Back Benchers believes them, either. Broken promises on clearing the backlog, on ending hotel use, on stopping the boats and on returning people who come. It is chaos—failing on smuggler gangs, failing on returns and failing to get a grip. Britain deserves better than this Tory asylum chaos.

8.38 pm

Sir William Cash (Stone) (Con): I will simply reply to the Labour party. If I vote against Third Reading this evening, I certainly have no intention of doing a single thing to support the propositions of Labour's Front-Bench spokesman. Let me get that completely clear. Labour is not doing anything. It has no plan. I want the Bill to succeed, and if I vote against Third Reading it will be because I do not believe, to use the Home Secretary's own words, that this is the "toughest immigration legislation" that we could produce, nor do I think we have done "whatever it takes". I can only say that in this context, but it is about the law.

My main concern is that there will be another claim as a result of this. I do not think anybody expects anything else. When it happens it will go to the Supreme Court and the question in front of the Supreme Court will be very simple. I put that point in my speech yesterday, and I do not retract a single word. I am extremely grateful to those very senior people some members of the Government, who said to me privately that they agreed with every word I said.

I say that for this reason. If the Act of Parliament was sufficiently comprehensive, using the "notwithstanding" formula, and the words used were clear and unambiguous, then there is no doubt at all that we would win that case in the Supreme Court. Sadly, I just do not think that that is going to happen. I explained why yesterday, so there is no need or reason for me to go into it now. I have said what I have said. All I can say is that I wish the Government well, but I cannot in all conscience support the Bill, because I have set out my case and, on principle, I am not going to retract it.

Mr Speaker: I call the SNP spokesperson.

8.40 pm

Alison Thewliss (Glasgow Central) (SNP): The front page of this tawdry, pathetic piece of unworkable legislation says, in the name of the Home Secretary:

"I am unable to make a statement that, in my view, the provisions of the Safety of Rwanda (Asylum and Immigration) Bill are compatible with the Convention rights, but the Government nevertheless wishes the House to proceed with the Bill."

It is another illegal Bill that will not work and will not fix the problem. It is a Bill for which the Government have no mandate. The 2019 Conservative manifesto said:

"We will continue to grant asylum and support to refugees fleeing persecution, with the ultimate aim of helping them to return home if it is safe to do so."

Nothing about flights to Rwanda, nothing about extradition, nothing about ripping up people's fundamental human rights. Since then, there have been two unelected Prime Ministers, four Home Secretaries and no mandate for this Bill.

The UNHCR's assessment of the Bill states:

"It maintains its position that the arrangement, as now articulated and the UK-Rwanda Partnership Treaty and accompanying legislative scheme, does not meet the required standards relating to the legality and appropriateness of the transfer of asylum seekers and is not compatible with international refugee law."

Rwanda has been clear that it does not want to sign up to an agreement that breaches international law. The Bill breaches international law. That is very clear. It is very dangerous that the Government are going down this road. We cannot make a country safe simply by legislating that it is so. This Government are engaged in a fantasy. More dangerous than that, they ask the courts, public servants and all of us to engage in that same fantasy. It becomes upside down and topsy-turvy—right is wrong and wrong is right. All those things make no sense. We cannot make a country safe simply by legislating it so.

We know that the Bill is no deterrent, because the supposedly harsh Bills that came before it have not been a deterrent either. It has been 181 days since the last tough, harsh and difficult piece of deterrent legislation was passed, and measures are not yet even in force from the Government's previous tough, difficult harsh Bill that was supposed to be a deterrent, so we cannot believe them now.

We also find that the tiniest number of people will be sent to Rwanda anyway. Less than 1% of those crossing this year will be sent to Rwanda. What happens to the rest of the people left in immigration limbo to wander the streets of these islands? The Government cannot say, they do not know and they have no idea what they will do when people have no rights and are out looking for assistance.

The Bill amounts to nothing more and nothing less than state-sponsored people trafficking. *[Interruption.]* Conservative Members do not like to hear it, but it is the truth. I will explain to them exactly why. They should listen to my description and see what they think. Far from dismantling criminal gangs, this Government have become a criminal gang, breaking international law and moving vulnerable people across the world without legal process—no right of appeal and no concern for the safety or human rights of asylum seekers—to a country they do not know, involving money and involving profit. It involves people this Government will never meet and never look in the eye. They will never sit across the table and watch them in tears because they cannot be safe.

Robert Burns, that great humanitarian of Scotland, said:

"Man's inhumanity to man

Makes countless thousands mourn!"

I mourn what this Government are doing to human rights, and the undermining of international law and international principles, and I give this assurance: when Scotland gets its independence we will take our place in the world, we will take our responsibilities seriously, and we will play our full part in the world as an independent nation.

8.45 pm

Sir Liam Fox (North Somerset) (Con): Let me begin by adding my tributes to Tony Lloyd, one of the most charming and civilised politicians in this House, a model that would do well to be replicated more widely than it sometimes is.

It is clear from the debates that have taken place in the last couple of days that it is this side, and this side only, that understands the concept of deterrence when it comes to the importance of dealing with illegal immigration. *[Interruption.]* The hon. Member for Glasgow Central (Alison Thewliss) has had her hysterical say, and I will have mine. That understanding is in stark contrast to the intellectual vacuum that passes for today's Labour party. On this side the debate has been entirely about the workability of the Bill, and we have heard some exceptional speeches over the last couple of days. If I may, I will single out that of my right hon. Friend the Member for Newark (Robert Jenrick).

I do not believe we should be demonising, at any point, those who want to secure a better future for themselves by seeking asylum in, or migration to, the United Kingdom, which is a fine, fair, tolerant society that anyone would want to join. However, the principle of territorial asylum—the right to access the national asylum system on setting foot on land—has already had a coach and horses driven through it by the fact that many of these people are not coming by boat from a dangerous country, but are coming from France. That cannot be tolerated if we are to have control over our borders.

Even more important—this point has been made frequently by my right hon. and hon. Friends—is the need to curb the evil of people smuggling and destroy the economic model of those who traffic in that most disgusting trade. I have to say that political infringements of the ECHR are nothing compared with the duty to stop people suffocating in lorries or drowning while crossing the channel, especially given that when it comes to deportation, France is the country that is perfectly willing to ditch the judgments of the ECHR when it suits it. Our deterrent will be even greater if we pass this legislation and can persuade other countries to do the same in a synergistic way.

The Bill may not be everything that everybody wants, but it is much better than what we have today. If I had voted only for legislation with which I agreed 100%, my voting record in the past years 32 might have been different from what it is today. I hear those on my own side saying that we can replace this Bill with something else, but we cannot. As you well know, Mr Speaker, “Erskine May” says:

“When a Bill has been rejected, or lost through disagreement, it should not, according to the practice of Parliament, be reintroduced in the same Session.”

This is the one chance that we have to pass this legislation. What we do will be judged by our voters according to their priorities. If we leave tonight with nothing, that judgment will be harsh—or, worse, it will leave us to the cringing mediocrities that make up His Majesty's Opposition.

8.48 pm

Fleur Anderson (Putney) (Lab): I, too, pay tribute to Tony Lloyd, with whom I sat in Westminster Hall during his last speech. It was about human rights, the very issue that we are discussing now. He spoke with such wisdom, and we will all miss him.

I was shocked to hear a Member call another Member—a female Member—“hysterical”. It is a classic use of a misogynistic term, and I was shocked to hear it.

This is the Third Reading of the third Bill in two years to try to stop the channel crossings. The first, the Nationality and Borders Act 2022, has been partially suspended because it was making things worse. The second, the Illegal Migration Act 2023, has mainly not been implemented because the Home Office believes it is unworkable. So here we are for the third time. This is the “fail again and fail harder” version: unaffordable, unworkable and unlawful. It weakens our national borders and undermines international courts—those courts that protect and on which we rely as British citizens. I have been very concerned about the attacks on the European Court of Human Rights during debates on the Bill. The costs are spiralling, at £400 million plus the £2.1 million that was already spent on legal bills alone by November 2023.

This latest gimmick—not a plan—lets down people fleeing persecution and will not deliver on fixing the immigration system. It will leave nearly 100,000 cases in the backlog, 56,000 people in hotels and, as we have now heard, more than 4,000 people missing from the system. It will not fix the system that the Conservatives have broken. It will not be that deterrent; it is too small and unworkable. It does not respond to the international situation of increasing climate change impact and conflict around the world that is driving people to seek safety. It feels like the Conservatives cannot cope with international reality and have stuck their fingers in their ears and are chanting something about Rwanda instead of facing up to reality. This lets our country down.

What will stop the boats and the dreadful deaths in the cold seas is Labour's plan.

We will clear the backlog with a new fast-track system and 1,000 officers. We will end hotel use, saving the taxpayer over £2 billion, and improve enforcement with a new returns and enforcement unit to reverse the collapse in returns for those who have no right to be here. The Conservatives started this work by employing some temporary new officers and it started to work, so why not invest in the things that work instead of this gimmick? They have started clearing the backlog. The Tories have also started smashing the gangs through the work that they are doing in France. Again, it is beginning to work, so why not invest in those things that work, rather than in the Rwanda plan? It is nonsense to start something but not finish it and leave a half-baked plan in place.

What works is smashing the gangs and working with France. We would smash the supply chains with new powers and a new cross-border police unit, which would prevent the boats from reaching the French coast in the first place. We would work in partnership internationally to address some of the humanitarian crises that are leading people to flee from their homes. We believe in strong border security and a properly controlled, managed and fair asylum system, so that the UK can do our bit

to help those fleeing persecution and conflict but return those with no right to be here. We also believe in stopping the gangs, who are the only winners from this Bill. Under the Tories we just have costly chaos.

8.52 pm

Dr Thérèse Coffey (Suffolk Coastal) (Con): It is important to speak in this debate. I have to say, I was somewhat astonished by the speech of the shadow Home Secretary, who cannot even get the name of the country right, talking about the Kigali Government when we are talking about Rwanda—a respected country that has recently been president of the Commonwealth.

I want to associate myself with the comments about the sad loss of Sir Tony Lloyd. As a Member of Parliament in both Manchester and Rochdale, he was assiduous for his constituents and assiduous when he was in government, and he will be much missed in this House.

The reason why I stand today is that I am keen to make sure that this Bill gets through its Third Reading with the largest majority possible, so that we can say to the other House that the elected House has had its say. We are doing this Bill solely because, having had the excellent Illegal Migration Act taken through by my right hon. and learned Friend the Member for Fareham (Suella Braverman) and my right hon. Friend the Member for Newark (Robert Jenrick)—which, we should all remember, the Labour party opposed religiously, blocking everything that we tried to do—the Supreme Court, after disagreeing with the High Court, pointed to the issue of Rwanda specifically. It is important that Parliament stands up and addresses that specific point so that we can get through this stage and then commence the relevant sections of the Illegal Migration Act, particularly regarding having a safe third country.

I am conscious that temperatures are pretty high, but there is a genuine passion on this side of the House to respect the will of our constituents, who want to see a fair legal migration system and not the vague plan—which really is not a plan—from the Labour party. I say to my right hon. and hon. Friends: support this Bill tonight so that we have the biggest majority possible. I appreciate what other Members have said, but clause 2 is very specific that when decision makers are making decisions, Parliament has given its full confidence that when people go to Rwanda they will be treated fairly and that the conventions will be applied. Then we will have not only the effective process but the effective deterrent, which I think the whole House seeks.

Let us be clear and let us talk with one voice. I wish the Opposition would join us, but I know from their track record of opposing the Illegal Migration Act that they might talk the talk, but they are full of bluster. They do not really mean it and they do not really care. I know that this Conservative Government care, and I know that every Conservative MP cares. We need to make sure that the Lords listen to the elected House.

8.55 pm

Tim Farron (Westmorland and Lonsdale) (LD): I am gutted by the loss of Sir Tony Lloyd. He was a decent, kind, wise man and an excellent Member of Parliament. We will all seriously miss him.

They say that the smaller the stakes, the more ferociously they are fought over. The small stakes are that if this Bill works, 1% of the asylum seekers who come to this

country might just end up being sent to Rwanda, at a cost of £240 million and counting. We know it will not be a deterrent, as we know that people have travelled from the horn of Africa, through Libya, over the Mediterranean and through Europe. As if the 1% chance that they may go to Rwanda will put off the tiny fraction of people who try to cross the English channel, having taken all the risks they have taken to get as far as France.

Of course people travel from France. They are not going to bloomin' sail directly from Libya, are they? For pity's sake. People will come from France. The French Government could say to Spain and Italy, "No, these people should stay in your safe countries." The House will see where I am going. If we do not work co-operatively, the whole thing falls down.

The real issue is the backlog of 165,000 asylum cases that this incompetent Government have failed to clear. I have covered the issue of deterrence, but the people smugglers may well decide to bring people into this country under the radar, without claiming asylum at all. We would not reduce the number coming here, but we would massively increase the number of people who end up in the black market as victims of trafficking and sexual slavery, and so on.

Only a quarter of those few people who are denied asylum, having gone through the system, are removed by this Government. We have a Government who talk tough and act weak. If they actually wanted a deterrent, they would make sure that there is a system to deal with those 165,000 people, and they would remove the ones who are not genuine asylum seekers. Even the Government's own figures show that 75% of the people who come here to claim asylum are legitimate and genuine refugees. If the Government want to deter people, they should assess them and return the ones who are not genuine refugees.

The weakest thing about this Bill is that it is predicated on the Government's desire to demonise the world's most vulnerable people because they think the electorate like it. They have misunderstood and massively underestimated the British people, and certainly my constituents, who are better than they think they are.

I can tell the Government about my community. In 1945, half the children who survived the death camps in Nazi-occupied Europe came to our shores. In fact, they came to the shores of Lake Windermere. They were the Windermere boys, the Windermere children, and we are proud of that legacy because it speaks to the kind of people we are in the lakes and in Britain.

I have visited some of the refugee camps in Europe, and when I speak to the people who seek to come to the United Kingdom—by the way, it is important to remember that 19 European Union countries take more refugees per head than the United Kingdom—the thing that drives them to come here is not benefits or the NHS but a belief in Britain. They believe that Britain is the kind of place where they can raise a family in peace, where they can earn a living and where they can have religious freedom and other liberties. That reputation is built on hundreds of years of proud experience of what it is to be British. Our forefathers and foremothers built that reputation, and it will take more than this tawdry Government and this shabby legislation to undermine that reputation overseas.

[Tim Farron]

The Government want to make Britain unattractive, and they will fail. The Bill will fail. It is a costly, expensive failure, and it deserves to be rejected by this House.

8.59 pm

Danny Kruger (Devizes) (Con): I will be quick, Mr Speaker. This has been a useful debate already, because we have heard from the Opposition parties where they stand. We have heard from the Scottish National party that it wants Scotland to take its place among the nations of the world. What we did not hear was whether the SNP wants Scotland to take its fair share of the refugees of the world, because as yet it does not do so. It was good to hear from Labour that it does have a plan to stop the boats—it is our plan. It is everything we are doing already, just without the Rwanda bit, which is the one essential piece of the jigsaw that will act as an effective deterrent and stop the boats. The hon. Member for Westmorland and Lonsdale (Tim Farron) made a passionate speech, but I think he was saying that we should just be more like Europe on refugees and asylum, and I am not sure that that is what the public want.

I wish briefly to pay tribute to a few people. First, I pay tribute to the Government Whips, who have done a brilliant job today. I congratulate them and honour them for their efforts; they have been more successful than I have today, but I am glad that we are all more or less united again as a party. I pay particular tribute to the Minister for Countering Illegal Migration, who has worked with colleagues across our party and across the House to address the concerns we had. I am pleased to say that some commitments have been given today and in the past few days, although I do not think they go far enough. I want to acknowledge the important work that my hon. Friend the Member for Stone (Sir William Cash) and my right hon. Friend the Member for Newark (Robert Jenrick) have done in Committee, because their amendments, which so many of us have supported in the past two days, would have made significant improvements to the operation of this Bill. We are all in the same place, as many colleagues have said; all Conservative Members want to do the same thing, which is establish an effective deterrent that would ensure that people who cross the channel are immediately detained and removed.

I do not think that this Bill, as drafted, is going to work. We will see legal challenges that will clog up the process and ensure that the deterrent is not enforced. I regret that we are not honouring the pledge we have made to the people to control our borders effectively, which is what they voted for in 2016 and in 2019 so decisively, what all the opinion polls and our constituents tell us, and what all common sense tells us is such an important part of our commitment and responsibilities in government. I regret that although the Bill pays tribute, ostentatiously, to the essential concept and principle of parliamentary sovereignty, it does not in fact ensure that that is what we will have. We believe that statutes passed in this place have supremacy over judge-made law and certainly over the jurisdiction of the European Court. I am afraid to say that much as the Government agree with the principle I have just established, the Bill, as it stands, still allows lawyers to use foreign, international law commitments and protocols to override the supremacy of Parliament, and I deeply regret that. We could have

got a better Bill through Parliament in this Session; we could have developed it, and I understand that it would have been possible to bring forward a Bill of different scope that would have achieved the same ends. I regret that we are not doing that, but I understand that this is where we are.

Many of my colleagues have decided to vote with the Government tonight, because they do not want to cause the political disruption that would ensue from a Government defeat, and I honour them for their decision, I respect that greatly and think it is a very honourable position. My view is, as I said at the outset, that the Bill needed these improvements. I do not think it will work and we could have done better. Nevertheless, the fundamental fact is that Conservative Members are united in our commitment to stopping the boats through this policy. The real division is not the Gangway on the Government Benches, but the Aisle between us and the Opposition Benches. The great value of the debates we have been having is that it exposes the position of the Opposition parties. They do not believe in stopping the boats and we all do.

9.3 pm

Jess Phillips (Birmingham, Yardley) (Lab): The tribute I received about Tony Lloyd today came from the ex-chief constable of West Midlands police, who used to be the deputy chief constable of Greater Manchester police. He said that Tony was one of the best people he had ever worked with, so I stand here to say that.

I want everybody in here to know that they are about to vote for a Bill when they have absolutely no idea how much it is going to cost. We have not been given that information. I was here during the debate in Committee earlier, when the Chair of the Home Affairs Committee, my right hon. Friend the Member for Kingston upon Hull North (Dame Diana Johnson), said that there was a view that each person sent to Rwanda would cost £169,000. That piqued my anger so greatly, because I had just come from an event with the Home Secretary to do with it being a year on from the independent child sexual abuse inquiry, where we were considering what progress we have made since then. I was holding in my hand a piece of paper that said that in 2022 some 100,000 children were sexually abused and came forward to say that, and then I looked up how much money the Home Office allocated to its sexual abuse against children fund in 2022. It was £4.5 million, which I worked out was £42 for every child who had been raped in that year, and I thought about the political capital of walking round and round the Lobby for the third Bill trying to do something that won't work.

The Prime Minister could find 150 judges yesterday—I don't know where; under the sofa?—when rape victims in my constituency are waiting seven years for their cases to get in front of a judge. Frankly, people who think that it is worth the amount of time spent wasting taxpayers' money on something that has not worked the last two times we tried it and will not work this time should be ashamed of themselves for voting for something when they have no idea how much it will cost the people in their constituencies. I hope that those who turned up today feel shame for the amount of airtime they have taken up when they did not do so for the victims of child abuse—[Interruption.] Excuse me? Would someone like to intervene? No.

I was in a British court last week—not a “foreign court”, but a British court—with a victim of human trafficking. She had been trafficked twice. We had deported her once already, as a trafficking victim, but she was re-trafficked back to this country and I went to the upper tribunal with her last week. She has two children born of the repeated rapes that she has suffered as a victim of human trafficking and the Home Office was trying to deport her again. The judge scolded the Home Office lawyers for daring to bring the case in front of them and because I was sat in the courtroom, the Home Office lawyers were not so keen to give their evidence in front of me, so they did not really give any—[*Interruption.*] Yes, I wonder why they did not want to talk about how it was fine for a woman who had been ritually raped repeatedly to have to go back to where that had happened before she had been trafficked here.

I have heard nothing in any of the debates today about what happens to the victims of human trafficking when we scoop up all these people without any appeal. What happens to them? Currently, I have sat in courtrooms where this Government are abusing them. I would never vote for the Bill and neither should anybody else.

9.7 pm

Jeremy Corbyn (Islington North) (Ind): I was first elected to this House on the same day as Tony Lloyd in 1983. He was a brilliant friend and comrade who voted against the Iraq war, student tuition fees and the renewal of Trident, and he was a brilliant shadow Northern Ireland Secretary. He will be much missed by many good people all over this country.

This Bill is an appalling piece of legislation. It fails to take any account of the human suffering of people who are forced, through lack of any other alternative, to try to make a very dangerous crossing of the channel. I have met people in Calais who are desperate, poor and confused, and have travelled from Afghanistan and other places. They are victims of war, human rights abuse, poverty and so much else. The Government are now claiming that the only way to deal with the issue is to attack what they euphemistically call “a foreign court”, when in reality that court is the European Court of Human Rights, which is part of our judicial system. They are trying to offshore their obligations under international law and treaties.

On the global stage, it is the wealthy countries, such as Australia and Britain, that want to offshore issues surrounding asylum and the rights of people to seek asylum, and pretend that somehow or other they are doing the world a favour. We have to work with other countries to deal with the issue of the desperation of so many refugees in Europe, and far more in other parts of the world.

The Bill blames those people for being victims and plays into the narrative of the most backward, horrible remarks made in our national media and newspapers about asylum seekers, without ever recognising that those people who have sought asylum legally in this country—it is always legal to seek asylum; that is there in treaty—will eventually be our doctors, lawyers, teachers and engineers of tomorrow, as they are all over Europe. The Bill plays into this racist trope against refugees all over the world, and attacks refugees because of where they come from.

I hope that the House tonight rejects this Bill. I hope that, in future, we do not come back to this kind of debate, but instead start to look at the issues of human rights abuse, victims of war, victims of environmental disaster and the needs of those people to be cared for on this planet as fellow human beings, rather than making them out to be the enemies that they certainly are not. Desperate people are looking for a place of safety. Surely it is our obligation—[*Interruption.*] The Home Secretary is getting very excited, but it is his obligation to try to make sure that they do have a place of safety in which to survive for the rest of their lives.

9.10 pm

Sir Chris Bryant (Rhondda) (Lab): I, too, pay tribute to Tony Lloyd. I think that we would all admit that he was a far, far better man than most of us in this House. Those of us who have survived thus far advanced cancer often feel a particular poignancy—I know the Home Secretary will agree with this point—when a friend is lost to cancer, so my condolences go to Tony’s family. I hope that we will have proper time to commemorate him, as you have said, Mr Speaker.

I want the boats to stop, not because I do not value the lives of those who have paid thousands of pounds to risk their lives on the high seas in unseaworthy vessels, but because I do value their lives. I despise the people traffickers and I do not want the generosity of the British people to be tested to breaking point. I am voting against Third Reading today for four reasons. First, I agree with the right hon. Member for Newark (Robert Jenrick) and the hon. Members for Stone (Sir William Cash) and for Devizes (Danny Kruger), who are not all here now, that this Bill will not work. It is a false promise and I am sick of false promises. It is a waste of money and I am sick of the Government wasting our money. And I am very sceptical that it will actually act as a deterrent. After all, if the freezing waters of the channel that can take a life in a matter of minutes are not a deterrent, how will a 1% chance of being transported to Rwanda act as a deterrent?

Secondly, this Bill is based on a heady mixture of gross exaggeration, preposterous wishful thinking and miserably misconceived machismo. Let us look at the exaggerations. The right hon. Member for Newark said yesterday:

“Millions of people in the world want to make that journey”—[*Official Report*, 16 January 2024; Vol. 743, c. 713.]

in a small boat. Where on earth is his evidence for that? The right hon. and learned Member for Fareham (Suella Braverman) said that there are many instances of asylum seekers purporting to be homosexual to receive preferential treatment in asylum applications. Where on earth is her evidence for that? Many have claimed that the vast majority of those arriving in small boats are economic migrants, but the evidence is that when the Home Office has investigated, it has granted 65% of them refugee status.

Thirdly, the right hon. Member for Newark said yesterday:

“The law is our servant, not our master.”—[*Official Report*, 16 January 2024; Vol. 743, c. 717.]

But it is wrong that, even without amendment, this Bill places Ministers above the law. It means that even if a dog is factually a dog and a court, having interpreted

[*Sir Chris Bryant*]

the law, has adjudged it to be a dog, the Government can declare it none the less to be a cat. The former Attorney General said earlier, quite rightly, that we rely in the UK on international law; it is the basis of how we protect ourselves and our interests. How then can we argue that China, Russia and the Houthis should not renege on international human rights law when we ditch it when it is inconvenient for us? And how many of us condemned Russia, quite rightly, when it declared by statute law that Luhansk and Donetsk were part of Russia when they are patently part of Ukraine, as laid down in international treaty?

Fourthly and finally, the right hon. Member for Newark said yesterday that

“we are not a parish council.”—[*Official Report*, 16 January 2024; Vol. 743, c. 717.]

I agree, so let us stop behaving like Handforth Parish Council. Let us behave like the House of Commons: protect ancient liberties, including the right to appeal; respect the rule of law; and honour our international commitments, like honourable Members.

9.14 pm

Patrick Grady (Glasgow North) (SNP): The Committee of the whole House has gone through the Bill and not made any of the varying and contradictory amendments from the varying and contradictory factions of the Tory party. We are left with a Bill that, in reality, nobody actually wants. The hardliners on the Tory party right do not like it—something to do with foreign courts. The Tory left do not particularly like it because they realise how close it sails to breaching our international human rights obligations. The official Opposition do not like it because, I think, it is too expensive. The SNP is opposed to the Bill and the entire hostile environment policy in principle, because this is just completely the wrong way to deal with some of the poorest and most vulnerable people who come to these shores seeking refuge and safety.

We want to welcome refugees and encourage them to contribute to our economy and society, but it seems that even the Republic of Rwanda is getting cold feet—and no wonder. Notwithstanding the fact that the United Kingdom continues to grant asylum to asylum seekers from Rwanda, why should a country that aspires to be a prosperous, stable African democracy allow itself to become a political football for wannabe Leaders of the Opposition that currently inhabit the Tory Benches?

According to the Prime Minister today, the best—or, perhaps, worst—thing about Rwanda is that it is not the UK, and the very fact of its not being the UK is a deterrent to people coming here because they might be deported to it. By the same logic, if the Government threaten to deport people to Disneyland, that would also be a deterrent because Disneyland is not in the UK. Of course, Disneyland is a place where dreams are supposed to come true, but I think the dreams of the former Home Secretary, the right hon. and learned Member for Fareham (Suella Braverman), and, indeed, the former Immigration Minister, the right hon. Member for Newark (Robert Jenrick), of flights taking off to Rwanda will not come true, and neither will their dreams of becoming the next Leader of the Opposition after

the election. The SNP’s dream of an independent Scotland—the dream that will never die—that has its own independent, humane asylum system that recognises human rights and wants to welcome refugees will come true, and sooner rather than later.

Question put, That the Bill be now read the Third time.

The House divided: Ayes 320, Noes 276.

Division No. 60]

[9.16 pm

AYES

Afolami, Bim
Aiken, Nickie
Aldous, Peter
Allan, Lucy (*Proxy vote cast by Mr Marcus Jones*)

Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, rh Victoria
Bacon, Gareth
Bacon, Mr Richard (*Proxy vote cast by Mr Marcus Jones*)

Badenoch, rh Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, rh Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Bell, Aaron
Beresford, Sir Paul
Berry, rh Sir Jake
Bhatti, Saqib
Blackman, Bob
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Dame Karen
Brady, rh Sir Graham
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Sir Conor
Butler, Rob
Cairns, rh Alun
Cameron, Dr Lisa
Carter, Andy
Cartlidge, James
Caulfield, Maria
Chalk, rh Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, Theo
Clarke-Smith, Brendan
Clarkson, Chris

Cleverly, rh James
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, rh 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 Sir David
Davison, Dehenna
Dinenage, Dame Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Doyle-Price, Dame Jackie
Drax, Richard
Drummond, Mrs Flick
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Sir Michael
Ellwood, rh Mr Tobias
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine
Fletcher, Nick
Ford, rh Vicky
Foster, Kevin
Fox, rh Sir Liam
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fuller, Richard
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo

Glen, rh John
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen (*Proxy vote cast by Mr Marcus Jones*)
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Heald, rh Sir Oliver
Heapey, rh James
Heaton-Harris, rh Chris
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, rh Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holmes, Paul
Howell, John (*Proxy vote cast by Mr Marcus Jones*)
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane (*Proxy vote cast by Mr Marcus Jones*)
Hunt, rh Jeremy
Jack, rh Mr Alister
Javid, rh Sir Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, Fay
Jones, rh Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Keegan, rh Gillian
Knight, rh Sir Greg
Kniveton, Kate (*Proxy vote cast by Mr Marcus Jones*)
Kwarteng, rh Kwasi
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Leadsom, rh Dame Andrea
Leigh, rh Sir Edward
Levy, Ian
Lewer, Andrew
Lewis, rh Sir Brandon
Lewis, rh Sir Julian
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark

Longhi, Marco
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackrory, Cherilyn
Maclean, Rachel
Mak, Alan
Malthouse, rh Kit
Mangnall, Anthony
Marson, Julie
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McCartney, Karl
McPartland, rh Stephen
McVey, rh Esther
Menzies, Mark
Mercer, rh Johnny
Merriman, Huw
Metcalf, Stephen
Millar, Robin
Miller, rh Dame Maria
Milling, rh Dame Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morrisey, Joy
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Murrison, rh Dr Andrew
Neill, Sir Robert
Nici, Lia
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
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 Sir Jeremy
Quince, Will
Raab, rh Dominic
Randall, Tom
Rees-Mogg, rh Sir Jacob
Richards, Nicola
Richardson, Angela
Roberts, Mr Rob
Robertson, Mr Laurence
Robinson, Mary
Ross, Douglas
Rowley, Lee
Russell, Dean
Rutley, David
Sambrook, Gary

Saxby, Selaine
Scully, Paul
Seely, Bob
Selous, Andrew
Shapps, rh Grant
Sharma, rh Sir Alok
Shelbrooke, rh Sir Alec
Simmonds, David
Smith, rh Chloe
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, rh Bob
Stewart, Iain
Streeter, Sir Gary
Stride, rh Mel
Stuart, rh Graham
Sturdy, Julian
Sunak, rh Rishi
Sunderland, James
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Timpson, Edward
Tolhurst, rh Kelly
Tomlinson, Justin

Tomlinson, Michael
Tracey, Craig
Trevelyan, rh Anne-Marie
Trott, rh Laura
Truss, rh Elizabeth
Tuckwell, Steve
Tugendhat, rh Tom
Vara, rh Shailesh
Vickers, Martin
Vickers, Matt
Villiers, rh Theresa
Walker, Sir Charles
Walker, Mr Robin
Wallis, Dr Jamie
Warman, Matt
Watling, Giles
Webb, Suzanne
Whately, Helen
Wheeler, Mrs Heather
Whittaker, rh Craig (*Proxy vote cast by Mr Marcus Jones*)
Whittingdale, rh Sir John
Wiggin, Sir Bill
Wild, James
Williams, rh Craig
Williamson, rh Sir Gavin
Wood, Mike
Wragg, Mr William
Wright, rh Sir Jeremy
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Ayes:
Mark Fletcher and
Scott Mann

NOES

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
Benton, Scott
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blake, Olivia
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Braverman, rh Suella
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Bryant, Sir Chris
Burgon, Richard
Butler, Dawn
Byrne, Ian

Byrne, rh Liam
Cadbury, Ruth
Callaghan, Amy (*Proxy vote cast by Marion Fellows*)
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Cash, Sir William
Cates, Miriam
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Cherry, Joanna
Clarke, Feryal
Clarke, rh Sir Simon
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela (*Proxy vote cast by Owen Thompson*)
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Dalton, Ashley
Davey, rh Ed
David, Wayne
Davies-Jones, Alex
Day, Martyn
De Cordova, Marsha

Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Dines, Miss Sarah
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Dorans, Allan (*Proxy vote cast by Marion Fellows*)
 Doughty, Stephen
 Dowd, Peter
 Duddridge, Sir James (*Proxy vote cast by Mr Mark Francois*)
 Duffield, Rosie
 Dyke, Sarah
 Eagle, Dame Angela
 Eagle, rh Maria
 Eastwood, Colum
 Edwards, Jonathan
 Edwards, Sarah
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Eshalomi, Florence
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Fellows, Marion
 Fletcher, Colleen
 Flynn, Stephen
 Foord, Richard
 Fovargue, Yvonne
 Foxcroft, Vicky
 Foy, Mary Kelly
 Francois, rh Mr Mark
 Furniss, Gill
 Gardiner, Barry
 Gibson, Patricia
 Gill, Preet Kaur
 Glindon, Mary
 Grady, Patrick
 Grant, Peter
 Green, Sarah
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Dame Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 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
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, rh Stewart
 Howarth, rh Sir George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Jenkyns, Dame Andrea
 Jenrick, rh Robert
 Johnson, rh Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, rh Mr David
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kruger, Danny
 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
 Mather, Keir
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Dame Siobhain
 McDonald, Andy (*Proxy vote cast by Ian Mearns*)
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Moran, Layla
 Morden, Jessica
 Morgan, Helen
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Nandy, Lisa
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John (*Proxy vote cast by Marion Fellows*)
 Norris, Alex
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena

Osamor, Kate
 Osborne, Kate
 Oswald, Kirsten
 Owatemi, Taiwo (*Proxy vote cast by Chris Elmore*)
 Owen, Sarah
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qaisar, Ms Anum
 Qureshi, Yasmin
 Rayner, rh Angela
 Reed, Steve
 Rees, Christina
 Reeves, Ellie
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Robinson, Gavin
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Shanks, Michael
 Shannon, Jim
 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
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Strathern, Alistair
 Streeting, Wes
 Stringer, Graham
 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
 Twist, Liz
 Vaz, rh Valerie
 Wakeford, Christian
 Webbe, Claudia
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa (*Proxy vote cast by Marion Fellows*)
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Wilson, rh Sammy
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel
Tellers for the Noes:
 Samantha Dixon and
 Andrew Western

Question accordingly agreed to.

Bill read the Third time and passed.

Business without Debate

DELEGATED LEGISLATION

Mr Speaker: With the leave of the House, I will put motions 4 to 6 together.

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

MEDICAL DEVICES

That the draft Medical Devices (In Vitro Diagnostic Devices etc.) (Amendment) Regulations 2023, which were laid before this House on 14 November 2023, be approved.

EMPLOYMENT TRIBUNALS

That the draft Employment Tribunals and Employment Appeal Tribunal (Composition of Tribunal) Regulations 2023, which were laid before this House on 14 November 2023, be approved.

FAMILY LAW

That the draft Child Support (Management of Payments and Arrears and Fees) (Amendment) Regulations 2023, which were laid before this House on 13 November 2023, be approved.—
(Mark Fletcher.)

Question agreed to.

Hospice Funding: Devon

Motion made, and Question proposed, That this House do now adjourn.—(*Mark Fletcher.*)

9.31 pm

Simon Jupp (East Devon) (Con): I am delighted to have secured today's important Adjournment debate on hospice funding in Devon. I welcome the Minister and colleagues to the debate.

A few years ago, at a dinner hosted by the Rotary Club of Exeter, I was sat between the Bishop of Exeter and Dr John Searle, the founder of Hospiscare, a brilliant local independent charity providing specialist care to people across our county. I must confess that it was a surreal experience for this 30-something-year-old from Devon who is more comfortable in a pub than at black tie dinners. They both spoke to me about local hospice services and the good work they do in Devon. Dr John Searle sadly passed away last year, and I pay tribute to his work, his compassion and his determination. Our society would be so much better off if we had more people like John, and I will always treasure the conversation we enjoyed.

Hospice services in Devon provide incredible support and comfort to those suffering from a terminal or long-term, life-limiting condition. Patients often have multiple conditions and complex needs, and often require a high level of support. As the Member for East Devon, I am acutely aware of the work and impact of hospices locally. Several charities provide hospice services across East Devon, and I want to pay tribute to the ones based in my constituency, Sidmouth Hospice at Home and Hospiscare. Sidmouth Hospice at Home has a day centre in Sidford, with a 24/7 specialist nursing team working with local NHS dementia services teams who benefit from the use of their building. I live in Sidmouth—they do us proud.

Jim Shannon (Strangford) (DUP): On that point, will the hon. Gentleman give way?

Simon Jupp: I will.

Mr Speaker: Is the hon. Gentleman's intervention to do with Devon?

Jim Shannon: It is to do with the hospices and charities that the hon. Gentleman referred to.

Mr Speaker: This debate is about funding in Devon. I am sure the hon. Member for Strangford could say something that relates to funding in Devon.

Jim Shannon: Thank you, Mr Speaker. The hon. Gentleman is right to refer to hospice funding in Devon, but while the hospice funding and charity giving in Devon is good, I suggest that it may be even better in Strangford. Each year in Northern Ireland, our fundraisers add £15 million to the four hospices; without that money, those hospices could not function. Does the hon. Gentleman agree that the Government must stop relying on people's charity to fill the gap, and increase funding immediately to meet that need? I know that his charity givers in Devon do well, but the ones in Strangford do equally well.

Simon Jupp: I thank the hon. Gentleman for his point. One of the points he raised with me earlier, when he told me he was going to intervene on me, was about fundraising, and that has been really difficult since covid for all sorts of reasons.

Across the rest of my part of Devon, Hospiscare runs hospices at High View Gardens in Exmouth and Searle House in Exeter, and it has run has fantastic clinical nurse specialist teams in Budleigh Salterton, Exmouth and further afield in neighbouring constituencies. Hospiscare is the biggest of the local charities, and it supports 2,500 people each year. However, these charities need dedicated teams and a lot of funding to support many thousands of patients.

Funding matters even more because we know that Devon's population is ageing and growing. In Devon, there are proportionately more older people than the national average. More than 25% of the total population in the Devon County Council area is aged over 65, compared with less than one in five of the total England population, and 14% of these people are 85 and over. By 2040, Devon's population aged between 65 and 84 is predicted to increase to 225,000, which is a 27% rise, and the 85-plus population will nearly double to 56,000. Hospices across our county are therefore playing an increasingly key role.

Kevin Foster (Torbay) (Con): My hon. Friend is right to highlight the future challenges for hospices. Would he agree that plans such as those coming forward for Rowcroft Hospice in my own constituency to very much integrate and provide both nursing and sheltered accommodation, alongside the hospice services they will continue to provide, show a way to generate additional income, while not conflicting with their core purpose?

Simon Jupp: I completely agree with my hon. Friend. These services are dynamic and they are working, and the people of Torbay are well served.

I was reminded of the increasing importance of hospices by Dr Timothy Dudgeon, a constituent of mine from Ottery St Mary. He first approached me two years ago, and we met at one of my regular surgeries in Exmouth shortly afterwards. His plea was simple: Hospiscare, one of the charities I have mentioned, needs fairer funding from the NHS in Devon to cope with growing demand. I fully agree with him, but here we are two years later because the NHS simply is not listening.

I have raised the matter through meetings, letters and everything else to the NHS Devon integrated care board, and I am taking my call to the Floor of this House because I want the chair of the ICB, Dr Sarah Wollaston, formerly of this place, to realise that I am not letting this unfair deal for Devon's hospices go without challenge. The issue here is obvious to all, and the solution is simply common sense, which is something we ought to try a little more often.

Hospices across our country and county are facing a perfect storm: income from fundraising is falling while costs and demand for their services are rising. Hospiscare in Devon has told me that it is facing a £2.5 million deficit in the next financial year. Meanwhile, Sidmouth Hospice at Home has told me that its average case load has risen by over 50% in the last year alone. Amid this perfect storm, I have been calling on the NHS Devon ICB to increase its funding for all of our hospices.

[Simon Jupp]

ICBs are responsible for determining the level of funding for palliative and end-of-life care in their area. This is devolution, and I support it. The Government do not decide how funding is spent; local organisations should know their area best and where to send their money. However, I question the situation in Devon. If the ICB needs more money to achieve fairer hospice funding, I would bang down the door of any Minister to help them, if asked, but they have not asked, and we have faced a wall of silence.

That was, intriguingly, until a couple of hours ago, when I received a letter from the NHS Devon ICB. It is intriguing timing, do we not think, given that it did not reply to previous letters I sent last year? Now it has finally responded to one of my letters from November. The NHS Devon ICB says that it is

“working on plans to move towards more equitable NHS funding”, starting in the next financial year. I am sure colleagues here will be pressing for more details about that.

The wall of silence we have all faced in Devon is why I have launched a campaign and a petition on my website to put pressure on the ICB to increase funding to our local hospices, which residents across my constituency of East Devon and beyond are supporting. I first raised this with NHS Devon ICB two years ago after I met with Dr Timothy Dudgeon. I really hope the Minister can support my message to the ICB and its chair Dr Sarah Wollaston. Our message is crystal clear: there needs to be a fairer deal. Hospiscare is funded for 18% of its costs from NHS Devon ICB compared with the national average of 37% from ICBs across England. Sidmouth Hospice at Home receives no funding from the NHS in Devon at all, and that puts it in a small minority in the country receiving no money from a local NHS body. That simply cannot be right.

Richard Foord (Tiverton and Honiton) (LD): I am grateful to the hon. Member both for giving way and for securing the debate this evening which is a really significant one. I know from the Seaton and District Hospital League of Friends where there is the Seaton Hospice at Home facility that the palliative care nurses who work there are amazing people, and they help people to die in a very dignified fashion. Given that we have such fantastic people who work for such organisations as Hospice at Home in Seaton and Sidmouth, does the hon. Gentleman agree that they ought to continue to have a physical location in which to work from, as they do currently at Seaton Hospital? Does he also agree that the Minister might do well to talk to NHS Property Services so they can continue to have that facility at Seaton Hospital?

Simon Jupp: The hon. Gentleman makes a very good point about Seaton Hospice at Home, and it does a fantastic job for the residents of Seaton and the surrounding area. He also makes a good point about Seaton Hospital, which of course we face challenges with locally, as he knows all too well as the Member for Tiverton and Honiton. It is important to recognise that NHS Property Services is an arm's length body. Having said that, recent meetings with one of the Ministers who has sponsorship of NHS Property Services has shed some light on the attempt to make sure that that building of Seaton Hospital is protected for future generations.

But I want to speak about somewhere else in Devon briefly. My hon. Friend the Member for North Devon (Selaine Saxby) cannot be here, but I am told North Devon Hospice has been trying to get its hospice at home service commissioned for a decade. The ICB agrees that it should be but will still not fund the service, which saves North Devon District Hospital £2.7 million through avoided admissions. Similarly, my hon. Friend the Member for South West Devon (Sir Gary Streeter) and the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) have raised the same issues with St Luke's Hospice in Plymouth. This is plainly unfair; now must be the time to strengthen our hospices, give them fairer funding and help them take pressure off the NHS.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I am grateful to the hon. Gentleman for introducing this Adjournment debate. The threats faced by the charitable palliative care sector in East Devon are emulated in my own constituency in Scotland. I have two of the largest hospices in Scotland, St Margaret of Scotland Hospice in Whitecrock and the children's hospice in Ballach, and the big challenge is how to be taken seriously by NHS managerial structures. There are vibrant and committed palliative care structures in these two charities, but sometimes the biggest challenge is them being taken seriously by community health partnerships in my area or integrated care boards in the hon. Gentleman's area.

Simon Jupp: The hon. Gentleman has hit the nail on the head; he is absolutely right. Now must be the time to strengthen our hospices, give them fairer funding, and help them take pressure off the NHS. Hospiscare has calculated that its services save between two and three hospital admissions every day. These are patients the local NHS will have to cover if the hospice has to cut its services. Sidmouth Hospice at Home has calculated that it is saving the NHS locally more than 1,300 nights of hospital stays through preventing admission, shortening stay lengths and speeding up discharges. Is that not what we want?

The benefits of fairer funding are plain to see. Strengthening our local hospices takes pressure off our NHS, but without fairer funding, and given the perfect storm of less fundraising income, more costs and more demand, there is a real risk they may have to cut vital services. That includes in-patient beds and specialist community nursing provision. This cannot be allowed to happen. That is why I urge the NHS in Devon to listen to the case I have made today and the Minister to back my call. It is high time for fairer funding for our brilliant hospices in Devon.

9.44 pm

The Minister for Social Care (Helen Whately): I thank my hon. Friend the Member for East Devon (Simon Jupp) for securing this debate about the funding of hospice care in Devon. I know that he is a huge supporter of hospices in his area, including Sidmouth Hospice at Home and Hospiscare. We have heard this evening how passionately he campaigns on behalf of the hospices that serve his constituency and how hard he is working to make sure they get the support and funding they need.

My hon. Friend may know—other Members in the Chamber for certain know—that I responded to a Westminster Hall debate in November on support for

hospice services in south Devon. I know this subject is of great interest to Members who represent that part of the country, as well as to colleagues across the country. All of us here recognise the importance of palliative and end of life care, which supports people at some of the most difficult times, whether individual patients or their loved ones.

Most palliative and end of life care is provided by the national health service. Hospices are a crucial part of the network of end of life and palliative care, and they do a truly wonderful job caring for people during those difficult times. I experienced that with my grandmother, who spent the last few weeks of her life in a hospice a number of years ago. They did a wonderful job for her and her family as we spent some precious time with her towards the end of her life. I take this opportunity to send my thanks to everyone working in palliative care, whether in the NHS or in hospices, for what they do to support people at that time, and their loved ones.

Across the country, thousands of people receive palliative and end of life care. We have an ageing population, with many people living with complex health conditions. Approximately 600,000 people die every year in the UK, and it is a demographic fact that that number will increase, in turn likely increasing the number of people needing palliative and end of life care. Hospices specifically support more than 300,000 people with life-limiting conditions each year, in addition to providing hugely important bereavement support.

Most hospices are independent charitable organisations that generally receive funding from statutory sources and charitable donations. They are rooted in their local communities and are cherished for the compassionate care that they provide. Indeed, that funding model is one of hospices' strengths. Although many will receive funding through the NHS, a significant majority of their funding will be raised from their communities. That is part of the strong relationship they have with their communities. That diversity of funding is another strength of the hospice model.

Richard Foord: On the sources of funding for end of life care, the Minister talks about it being a split model in which some is provided by the NHS and some provided as charitable donations and charitable giving. The work of Seaton and District Hospital League of Friends is 100% funded by charitable giving. The same is true for the model that Axminster Hospital League of Friends is seeking to set up. With that 100% funding, the Seaton league of friends built a wing of Seaton Hospital, yet it is expected that that will be given back to NHS Property Services. What can the Minister do about that?

Helen Whately: The hon. Member raised that question in the Westminster Hall debate I referred to. He is talking about a specific situation. Rather than spending the limited time I have addressing that, I am keen to respond to my hon. Friend the Member for East Devon, who has secured this debate on hospice funding in Devon.

I was talking about the enormous importance of hospices and their role in our communities, and the strengths of having hospices in our communities add to the significance of the care they provide. I mentioned my own experience. Hospices do this thing of making a time that can seem completely unbearable become somehow

bearable. That makes a difference not only for the individual cared for by the hospice but for all those around them.

Let me turn to Devon specifically. Devon does reflect the national picture, with NHS palliative and end of life services such as a specialist NHS team, community nursing care and a Marie Curie night care service. I mention that because some people may think of hospices as the sole provider end of life care in any community. The picture is broader than that, but of course hospices are important. Indeed, NHS Devon has grant arrangements with four Devon hospices that operate in-patient beds. In East Devon specifically, patients can receive end of life care in hospital, at home, in a care home, or from Hospiscare or Sidmouth Hospice at Home, to which my hon. Friend referred.

In England, integrated care boards are responsible for the commissioning of end of life and palliative care services to meet the reasonable needs of their local populations. As part of the Health and Care Act 2022, palliative care services were specifically added to the list of services that an ICB must commission, reflecting the importance of end of life and palliative care in our healthcare system. Adding that will ensure a more consistent national approach and support commissioners in prioritising palliative and end of life care. In July 2022, NHS England published statutory guidance on palliative and end of life care to support commissioners with that duty. That includes specific reference to ensuring that there is sufficient provision of specialist palliative care services, hospice beds and future financial sustainability.

I acknowledge that hospices, like many organisations—and indeed households—are having to contend with financial pressures including rising energy costs. That is why charities including hospices have already benefited from the energy bills discount scheme, which provides a discount on high energy bills and is running until 31 of March 2024. Hospices may also be entitled to a reduction in VAT from 20% to 5%. In addition to that, in 2022 NHS England released £1.5 billion in additional funding to ICBs to provide support for inflation. ICBs were able to distribute that funding according to local need. It was therefore an option for them to support palliative and end of life care providers, such as NHS contracted hospices, with rising costs from inflation.

I recognise the financial challenges that hospices continue to face and the difficulty there is in raising funds from local communities when people themselves are facing pressures with the cost of living. My hon. Friend made a clear case for the financial support that the hospice in his area deserves. I encourage him to continue to argue that point. It is good to hear that he has been in touch with his local integrated care board, which is the organisation responsible for assessing palliative care needs in his community and ensuring that the need is met.

My hon. Friend is not the first Member to ask to meet me to discuss this topic, or to call a debate on it. I am working to increase the transparency and the information available to colleagues and our constituents, so that they can be assured about the provision of palliative and end of life care. To that end, I have organised a meeting next week with representatives from NHS England, and have invited Members from

[Helen Whately]

across the House to attend it, for an update on palliative and end of life care and to ask questions directly of NHS England on this topic.

I have welcomed the opportunity this evening to talk about the wonderful work of hospices not only in Devon but across the country. I assure my hon. Friend and other Members present that I am committed to supporting hospices to continue what they do so well in our communities, and to improving access to palliative

and end of life care for people across the country, whether that care is given by a hospice or by the national health service.

Mr Speaker: We are so lucky to have the hospice movement, including St Catherine's and Derian House in my constituency.

Question put and agreed to.

9.54 pm

House adjourned.

Deferred Divisions

IMMIGRATION

That the draft Immigration Act 2014 (Residential Accommodation) (Maximum Penalty) Order 2023, which was laid before this House on 15 November 2023, be approved.

The House divided: Ayes 331, Noes 51.

Division No. 52]

AYES

Afolami, Bim
 Afriyie, Adam
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy (*Proxy vote cast by Mr Marcus Jones*)
 Anderson, Lee
 Anderson, Stuart
 Andrew, rh Stuart
 Ansell, Caroline
 Argar, rh Edward
 Atherton, Sarah
 Atkins, rh Victoria
 Bacon, Gareth
 Bacon, Mr Richard (*Proxy vote cast by Mr Marcus Jones*)
 Badenoch, rh Kemi
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, rh Mr Steve
 Baldwin, Harriett
 Barclay, rh Steve
 Baron, Mr John
 Baynes, Simon
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul
 Berry, rh Sir Jake
 Bhatti, Saqib
 Blackman, Bob
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Dame Karen
 Brady, rh Sir Graham
 Braverman, rh Suella
 Brereton, Jack
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Sir Robert
 Burghart, Alex
 Butler, Rob
 Cairns, rh Alun
 Cameron, Dr Lisa
 Campbell, Mr Gregory
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, rh Alex
 Chishti, Rehman
 Churchill, Jo

Clark, rh Greg
 Clarke, rh Sir Simon
 Clarke, Theo
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Clifton-Brown, Sir Geoffrey
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, rh Claire
 Crabb, rh Stephen
 Crosbie, Virginia
 Daly, James
 Davies, rh David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Sir David
 Davison, Dehenna
 Dineneage, Dame Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, rh Michelle
 Double, Steve
 Dowden, rh Oliver
 Drax, Richard
 Drummond, Mrs Flick
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Sir Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Foster, Kevin
 Fox, rh Sir Liam
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Garnier, Mark

Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Girvan, Paul
 Glen, rh John
 Goodwill, rh Sir Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen (*Proxy vote cast by Mr Marcus Jones*)
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 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
 Heaton-Harris, rh Chris
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, rh Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, John (*Proxy vote cast by Mr Marcus Jones*)
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane (*Proxy vote cast by Mr Marcus Jones*)
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Javid, rh Sir Sajid
 Jayawardena, rh Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, rh Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Keegan, rh Gillian
 Knight, rh Sir Greg
 Kniveton, Kate (*Proxy vote cast by Mr Marcus Jones*)
 Kruger, Danny
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline

Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Sir Brandon
 Lewis, rh Sir Julian
 Liddell-Grainger, Mr Ian
 Lockhart, Carla
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig (*Proxy vote cast by John Redwood*)
 Mackrory, Cherylyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, rh Stephen
 McVey, rh Esther
 Menzies, Mark
 Mercer, rh Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Dame Maria
 Milling, rh Dame Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morrissey, Joy
 Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 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 Sir Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Sir Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Mr Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 Shelbrooke, rh Sir Alec
 Simmonds, David
 Smith, rh Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stevenson, Jane
 Stevenson, John
 Stewart, rh Bob
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, rh Graham
 Sturdy, Julian

Sunak, rh Rishi
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, rh Laura
 Tuckwell, Steve
 Tugendhat, rh Tom
 Vara, rh Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, rh Craig (*Proxy vote cast by Mr Marcus Jones*)
 Whittingdale, rh Sir John
 Wiggin, Sir Bill
 Wild, James
 Williams, rh Craig
 Williamson, rh Sir Gavin
 Wilson, rh Sammy
 Wood, Mike
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob
 Zahawi, rh Nadhim

NOES

Abbott, rh Ms Diane (*Proxy vote cast by Bell Ribeiro-Addy*)
 Bardell, Hannah
 Begum, Apsana
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Bonnar, Steven
 Brock, Deidre
 Brown, Alan
 Callaghan, Amy (*Proxy vote cast by Marion Fellows*)
 Chapman, Douglas
 Cherry, Joanna
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Day, Martyn
 Docherty-Hughes, Martin
 Dorans, Allan (*Proxy vote cast by Marion Fellows*)
 Edwards, Jonathan
 Fellows, Marion
 Gibson, Patricia
 Grady, Patrick
 Grant, Peter
 Hanna, Claire
 Hendry, Drew
 Hosie, rh Stewart

Lake, Ben
 Law, Chris
 Linden, David
 Lucas, Caroline
 MacNeil, Angus Brendan
 Mc Nally, John
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McLaughlin, Anne
 Monaghan, Carol
 Newlands, Gavin
 Nicolson, John (*Proxy vote cast by Marion Fellows*)
 O'Hara, Brendan
 Oswald, Kirsten
 Qaisar, Ms Anum
 Ribeiro-Addy, Bell
 Saville Roberts, rh Liz
 Sheppard, Tommy
 Smith, Alyn
 Stephens, Chris
 Thewliss, Alison
 Thompson, Owen
 Thomson, Richard
 Webbe, Claudia
 Whitford, Dr Philippa (*Proxy vote cast by Marion Fellows*)
 Williams, Hywel

Question accordingly agreed to.

That the draft Immigration (Employment of Adults Subject to Immigration Control) (Maximum Penalty) (Amendment) Order 2023, which was laid before this House on 15 November 2023, be approved.

The House divided: Ayes 331, Noes 51.

Division No. 53]

AYES

Afolami, Bim
 Afriyie, Adam
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy (*Proxy vote cast by Mr Marcus Jones*)
 Anderson, Lee
 Anderson, Stuart
 Andrew, rh Stuart
 Ansell, Caroline
 Argar, rh Edward
 Atherton, Sarah
 Atkins, rh Victoria
 Bacon, Gareth
 Bacon, Mr Richard (*Proxy vote cast by Mr Marcus Jones*)
 Badenoch, rh Kemi
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, rh Mr Steve
 Baldwin, Harriett
 Barclay, rh Steve
 Baron, Mr John
 Baynes, Simon
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul
 Berry, rh Sir Jake
 Bhatti, Saqib
 Blackman, Bob
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Dame Karen
 Brady, rh Sir Graham
 Braverman, rh Suella
 Brereton, Jack
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Sir Robert
 Burghart, Alex
 Butler, Rob
 Cairns, rh Alun
 Cameron, Dr Lisa
 Campbell, Mr Gregory
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, rh Alex
 Chishti, Rehman
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Sir Simon
 Clarke, Theo
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Clifton-Brown, Sir Geoffrey
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, rh Claire
 Crabb, rh Stephen
 Crosbie, Virginia
 Daly, James
 Davies, rh David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Sir David
 Davison, Dehenna
 Dinenage, Dame Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, rh Michelle
 Double, Steve
 Dowden, rh Oliver
 Drax, Richard
 Drummond, Mrs Flick
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Sir Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Foster, Kevin
 Fox, rh Sir Liam
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Girvan, Paul
 Glen, rh John

Goodwill, rh Sir Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen (*Proxy vote cast by Mr Marcus Jones*)
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 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
 Heaton-Harris, rh Chris
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, rh Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, John (*Proxy vote cast by Mr Marcus Jones*)
 Howell, Paul
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 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane (*Proxy vote cast by Mr Marcus Jones*)
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Javid, rh Sir Sajid
 Jayawardena, rh Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, rh Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Keegan, rh Gillian
 Knight, rh Sir Greg
 Kniveton, Kate (*Proxy vote cast by Mr Marcus Jones*)
 Kruger, Danny
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Sir Brandon

Lewis, rh Sir Julian
 Liddell-Grainger, Mr Ian
 Lockhart, Carla
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig (*Proxy vote cast by John Redwood*)
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, rh Stephen
 McVey, rh Esther
 Menzies, Mark
 Mercer, rh Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Dame Maria
 Milling, rh Dame Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morrissey, Joy
 Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 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 Sir Jeremy
 Quince, Will
 Randall, Tom

Redwood, rh John
 Rees-Mogg, rh Sir Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Mr Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 Shelbrooke, rh Sir Alec
 Simmonds, David
 Smith, rh Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stevenson, Jane
 Stevenson, John
 Stewart, rh Bob
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, rh Graham
 Sturdy, Julian
 Sunak, rh Rishi
 Sunderland, James

Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, rh Laura
 Tuckwell, Steve
 Tugendhat, rh Tom
 Vara, rh Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
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 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, rh Craig (*Proxy vote cast by Mr Marcus Jones*)
 Whittingdale, rh Sir John
 Wiggin, Sir Bill
 Wild, James
 Williams, rh Craig
 Williamson, rh Sir Gavin
 Wilson, rh Sammy
 Wood, Mike
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob
 Zahawi, rh Nadhim

NOES

Abbott, rh Ms Diane (*Proxy vote cast by Bell Ribeiro-Addy*)
 Bardell, Hannah
 Begum, Apsana
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Bonnar, Steven
 Brock, Deidre
 Brown, Alan
 Callaghan, Amy (*Proxy vote cast by Marion Fellows*)
 Chapman, Douglas
 Cherry, Joanna
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Day, Martyn
 Docherty-Hughes, Martin
 Dorans, Allan (*Proxy vote cast by Marion Fellows*)
 Edwards, Jonathan
 Fellows, Marion
 Gibson, Patricia
 Grady, Patrick
 Grant, Peter
 Hanna, Claire
 Hendry, Drew
 Hosie, rh Stewart

Lake, Ben
 Law, Chris
 Linden, David
 Lucas, Caroline
 MacNeil, Angus Brendan
 Mc Nally, John
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McLaughlin, Anne
 Monaghan, Carol
 Newlands, Gavin
 Nicolson, John (*Proxy vote cast by Marion Fellows*)
 O'Hara, Brendan
 Oswald, Kirsten
 Qaisar, Ms Anum
 Ribeiro-Addy, Bell
 Saville Roberts, rh Liz
 Sheppard, Tommy
 Smith, Alyn
 Stephens, Chris
 Thewliss, Alison
 Thompson, Owen
 Thomson, Richard
 Webbe, Claudia
 Whitford, Dr Philippa (*Proxy vote cast by Marion Fellows*)
 Williams, Hywel

Question accordingly agreed to.

Westminster Hall

Wednesday 17 January 2024

[PHILIP DAVIES *in the Chair*]

HS2 Cancellation and Network North

[Relevant documents: Oral evidence taken before the Transport Committee on 8 and 30 November 2023 and 10 January 2024, on HS2: progress update, HC 85; Oral evidence taken before the Transport Committee on 6 December 2023, on Rail services and infrastructure, HC 361; Oral evidence taken before the Transport Committee 15 November 2023, on Work of the Secretary of State for Transport, HC 86; and Written evidence to the Transport Committee, on HS2: progress update, reported to the House on 14 November 2023 and 9 January 2024, HC 85.]

9.30 am

Jack Brereton (Stoke-on-Trent South) (Con): I beg to move,

That this House has considered Network North and the cancellation of HS2 Phase 2a.

It is a pleasure to serve with you in the Chair, Mr Davies. I am delighted to have secured this debate. The cancellation of High Speed 2 phase 2a is an important topic for consideration, as is the transfer of funding to what has been dubbed Network North. I will start by making my position crystal clear. I welcome the cancellation of HS2 phase 2a because the reality is that it would have caused great pain to Staffordshire, and I welcome the Network North initiative because it promises great gains for Staffordshire. Because Staffordshire is the heart of the country, and is increasingly a national base for north-south and east-west logistic operations, its gains will be gains for the whole United Kingdom economy.

There is of course a big “but”. Network North is greatly encouraging—but it must not merely illustrate projects; it must deliver them in a coherent programme of transport improvements that get the country moving and deliver productivity gains.

Michael Fabricant (Lichfield) (Con): I congratulate my hon. Friend on securing this debate on an issue that is very important for Staffordshire, as he rightly points out. Does he know—perhaps the Minister can clarify this later if he does not—where the money will be allocated in the west midlands region? In Lichfield, we are very keen to extend the cross-city line, which runs through Birmingham and Lichfield to Burton. There will be a station to serve the National Memorial Arboretum. Does he think funding might be available for that?

Jack Brereton: My hon. Friend has been a long advocate of restoring the important cross-city line. I very much hope that such local considerations will be taken on board and that funding will be directed locally to make a difference. I am sure the Minister will clarify the position and expand on what my hon. Friend said.

When we can see the wood for the trees, the important point is this: there are localised projects that will help knit together our national transport network for the benefit of a far wider range of people than the elite who

want to get in and out of London on business expenses as quickly as possible regardless of the consequences for local communities in Staffordshire, like those in Yarnfield and Swynnerton in the constituency of my hon. Friend the Member for Stone (Sir William Cash). We have already experienced that in north Staffordshire, even before HS2 phase 2a. I am not just talking about the Beeching axe, which was bad enough and of course did not exclusively affect the Potteries; I am talking about the last Labour Government’s decision to make it quicker to get between Manchester and London via the west coast mainline Potteries arc by annihilating three local stations that had survived the Beeching cuts of the 1960s.

Sir William Cash (Stone) (Con): Is my hon. Friend aware that we led a massive campaign to reopen Stone station, and that the footfall there has been absolutely phenomenal since it was opened, which demonstrates the need to get these stations back in line?

Jack Brereton: Absolutely. I entirely agree with my hon. Friend. Stone station was a victim of the west coast upgrade changes, but thanks to his work and that of those who campaigned for its reopening, it has reopened and been extremely successful. I hope we continue to see those types of station reopen.

The west coast upgrade meant that in Stoke-on-Trent, for marginal time gains between Manchester and London, Etruria station—the very place where the fist sod was cut for the North Staffordshire railway in September 1846—was closed by the Labour Government in September 2005. To the south of the city, Wedgwood and Barlaston stations were suspended in 2004 and neither has subsequently reopened or been maintained in a good state of repair. I understand from Network Rail that neither can now be reopened to passenger services without significant investment and potentially being completely rebuilt, which means that there is now no intermediate local station between Stoke-on-Trent and Stone.

As my hon. Friend the Member for Stone illustrated, the same happened with Stone station, but thanks to his efforts and those of the community, it was reopened in December 2008 and now has some services for that town. So much for Labour’s Strategic Rail Authority! That experience has made us determined that HS2 would either have to work for Stoke-on-Trent and Staffordshire, or we would have to drop it entirely. Unfortunately, it had become clearer and clearer that HS2 would not bring benefits to Staffordshire, certainly not the net benefit that we would need to see to justify the horrendous disruption, painful compulsory purchases and the disruption of ancient woodland.

A constituent attended my surgery recently whose business has been and continues to be affected. Unbelievably, he has recently been asked by HS2 Ltd to commission further thousands of pounds of costly reports to prove the value of his business, despite the 2a route no longer even going ahead. He is not alone: many businesses and property owners throughout Staffordshire continue to be hounded by HS2 Ltd and forced to give up their businesses or sell their land, despite phase 2a being cancelled. A line must be drawn under the compulsory purchase order process. I am sure we will hear more about that tomorrow in the Backbench Business debate

[Jack Brereton]

on HS2 compensation that is being led by my hon. Friend the Member for Stafford (Theo Clarke). Ultimately, however, it is essential that the Government keep to their word and urgently lift the safeguards on the 2a route, and that efforts are made to rapidly extricate HS2 from the lives of people in those communities and elsewhere in Staffordshire.

Every day that goes by costs the public purse considerably in extortionate security costs and wasteful legal processes for sites that are no longer even needed. If further clarity were needed that HS2 would not bring benefits to Staffordshire or indeed nationally, it was striking to hear from Trevor Parkin and Trevor Gould from the Stone Railway Campaign Group at the oral evidence session of the Transport Committee in Birmingham on 30 November last year. Trevor Gould said:

“I was a great advocate of the HS2 project. I fully support the idea in principle and I still think that it is important that high-speed trains are segregated from freight and slower passenger trains, but unfortunately this HS2 is not the way to do it; it does not do what it says on the tin. It does not release capacity north of Birmingham, it does not improve connectivity because of that”.

As we know, the three fast trains an hour currently serving Staffordshire—one via Stafford and two via Stoke-on-Trent—were set to be replaced by one HS2 service calling at both, which would have terminated at Macclesfield. That is a major reduction on what we currently enjoy, so it is not at all clear that there would have been extra capacity or connectivity, which is what HS2 was supposed to address. In fact, according to HS2 Ltd’s updated 2022 strategic outline business case, the only places north of Birmingham that would have received a higher number of services than they do today would have been Runcorn and Liverpool.

In the meantime, there is a pressing list of other projects that need to be delivered to ensure local services and connectivity into the hub stations are maximised. The reason for that is the major constraints at Crewe, particularly Crewe North junction, which were made worse post phase 2. HS2 had no plans to increase the number of platforms or address the constraints at Crewe North junction, which means the only possible way to run HS2 services would have been to take out what already exists, removing local and regional connectivity. I am not even convinced that HS2 intended to run any meaningful service to Stafford, Stoke-on-Trent and Macclesfield.

On 10 January, the executive chair of HS2 Ltd, Sir Jon Thompson, appeared before the Transport Committee and I asked him to clarify some striking comments that he had made to the Public Accounts Committee on 16 November. I put it to him that he had said to the PAC that if HS2 phase 2a had indeed been built,

“HS2 trains would never have gone on to the west coast main line”

at Handsacre and that “they would have joined” the west coast main line only “north of Manchester.” To that he replied: “Yes.” Of course, I pressed him on that because it would mean that the proposed services to Stafford, Stoke-on-Trent and Macclesfield were never actually going to materialise, even on completion of phase 2a. Sir Jon said that

“if 2a had been constructed, the advice to me, which I have got written down here, is that we would not have used that junction.”

That is Handsacre junction. I await further clarity in writing, but that does, at face value, confirm my worst fears about what HS2 Ltd was actually planning at Handsacre, which is a fait accompli of connections that would not have carried HS2 trains up the Potteries arc—and it would have all been too late by then to do anything about it.

Macclesfield—always a very odd choice of terminus, fine though that market town undoubtedly is—appears to have been a fig leaf to quieten Staffordshire down during the construction phase. Originally, under the hybrid Bill of 2013, it was proposed to create a full connection at Handsacre for HS2 by connecting the new track into the existing fast lines, enabling HS2 services to join on to the west coast main line. Then, in 2019—Trevor Parkin of the Stone Railway Campaign Group made this point very well at the Transport Committee on 30 November—HS2 redrew its intentions at Handsacre in order to join the slow lines of the west coast main line and not the fast lines. The options analysis for that extraordinary move has never been published, and we still do not know why that bizarre decision was taken.

With the cancellation of phase 2, it is clearly essential that we now revert to the original design for the Handsacre junction, to enable a proper connection with the fast lines to maximise capacity and allow services to run beyond. As I said, we await further clarification in writing about the reasons behind the changes, which are unlikely to be to do with cost, as people have attempted to claim. It seems unlikely that HS2 had intended any real, meaningful Stafford-Stoke-Macclesfield services to run at all.

Michael Fabricant: I am sorry to intervene on my hon. Friend again, but he mentions Handsacre, which of course is in my Lichfield constituency, and I am fascinated by what he says. I know, for example, that the Mayor of the West Midlands, Andy Street, is banking on the service from Curzon Street in Birmingham providing an HS2 service, albeit not necessarily at high speed, up to Manchester. That would be impossible if the Handsacre link were now not to go ahead. My constituents need clarity on this and I hope that the Minister, in his reply, will be very clear about whether the Handsacre link is going ahead—we all assume that it is.

Jack Brereton: I thank my hon. Friend for that point. It is essential that the Handsacre link goes ahead, otherwise there is no way to connect those services back on to the west coast main line to provide that service into Manchester, Liverpool, the rest of the north-west and ultimately up to Scotland. It is vital that the Handsacre link is done right and that we see HS2 connect not just on to the slow lines at Handsacre, but on to the fast lines. If we connected it on to the slow lines, that would severely constrain the capacity of the west coast main line in that location, so it is essential that we revert to the original design and that HS2 connects on to the fast lines at Handsacre to maximise the potential of that capacity release.

The issues that we have been raising about Handsacre are things that we have long feared. In January 2020, I wrote—with my hon. Friends the Members for Stoke-on-Trent Central (Jo Gideon), for Stoke-on-Trent North (Jonathan Gullis) and for Newcastle-under-Lyme (Aaron

Bell) and my right hon. Friend the Member for Staffordshire Moorlands (Dame Karen Bradley)—to the then Prime Minister, Boris Johnson, to make it clear that our support for HS2 was conditional on realising the Handsacre link in full, with services to Stoke-on-Trent and on to Manchester, and not just Macclesfield. Then, of course, the whole world changed for two years because of the covid pandemic.

It became increasingly clear that the costs of HS2 were going to balloon and that the focus on whether to deliver on it at all had changed. Further, given the many failings of the project and the few solutions it offered to the problems of capacity and connectivity, with costs spiralling out of control, it is right that it was paused for a period of reflection and that ultimately phase 2 was dropped.

That decision frees up huge amounts of funding for other pressing projects that are better suited to the post-covid reality of the trend of working from home, and more flexible and online working. Few of us had heard of Zoom or Teams before covid, but their use is now commonplace, including for entire conferences. At the same time, leisure travel by train has been very strong. We need to see a network that meets today's challenges and consumer demands, and I think Network North can help us to achieve that.

For a start, unlike HS2, Network North recognises that the transport network is not rail alone and nor is it just about getting to and from Euston. Got right, the national transport network improvements focused on the midlands and the north, with enhancements such as junction 15 of the M6, which I hope will be completely upgraded, will facilitate much more seamless travel, faster journeys, more destinations and considerable freight gains, including reduced carbon miles and greater connectivity north-south and east-west that will benefit the midlands and the north. Even projects undertaken outside the midlands and the north will benefit those areas.

I particularly highlight the proposed rail upgrade at Ely junction, which will drive the momentum we need to see towards re-establishing a proper east-west freight route, with options to increase freight from Immingham and Felixstowe to Liverpool via the Potteries. Much of that currently takes a significantly elongated route down to the north London line, across and then up the west coast main line. That could also include reuse of the North Staffordshire line. That would facilitate the reopening of a station at Keele University, which was one of the aims of the restoring your railway bid sponsored by my hon. Friend the Member for Newcastle-under-Lyme. Its time will come, and probably sooner if the result of dropping phase 2a is to closely look at east-west links just as much as at north-south. The advantage of that would be a significantly increased capacity on the west coast main line by moving more freight on to other lines and significantly reducing journey lengths for freight. That would deliver major cost and environmental savings. Indeed, there is now an amazing opportunity to look not just at linking up our big cities with even quicker rail links than they already enjoy, but at transport connections within city regions.

That brings me nicely to the major area of my speech today, which is the use of capital release from HS2 phase 2a to fund restoring your railway projects. Restoring your railway is a very good scheme. It has been hugely

popular among colleagues across the House and the communities we represent. Its flaw has been that it runs to only £500 million and that it expects some of the poorest areas of the country to stump up 25% of the funding for any projects taken to delivery. That local contribution hurdle has threatened to be insurmountable for a number of schemes, so I am completely delighted that that is no longer necessarily the case. Suddenly, it becomes possible to get 100% funding for the delivery stage of transformational projects, such as the reopening of Meir station in my constituency and the reopening of the Stoke to Leek line, which includes a station at Fenton Manor, which is also in my constituency. That is hugely welcome and we will continue to press the case for that funding in order to achieve the national objectives of levelling up: increased productivity, better connectivity, improved life chances, carbon reductions and much more.

The misery of HS2 was going to be fully funded, so it is only right that its successor projects are fully funded too. As I am always keen to say, I fully support levelling up, but we cannot simply level ourselves up after years of having so much taken away from us by Beeching and the Strategic Rail Authority. Much of our transport planning has been focused on making north Staffordshire an easy place to get to and for outsiders to travel through, but it is harder for local people to travel around. Meir in my constituency, which has the A50 running through it, has some of the worst traffic congestion. Despite 40% or more of households in Meir North being without a car, there are still major traffic issues there. Similar issues are seen in communities such as Blyth Bridge, where local roads often take the brunt of congestion, especially when anything goes wrong on the A50 or the A500. Further consideration needs to be given to addressing reliability problems on the A500 and A50 corridor, and it is positive to see that corridor listed for improvements as part of Network North.

In north Staffordshire, public transport—where it exists—is based mainly on buses that often do not go to where people need them or at a time when people want them. We have secured major investment to improve our local bus services—there is £31 million of planned bus service improvement funding—but the time has come to restore our rail services as well. We should reverse the Beeching axe, so that skills, training and employment opportunities are opened up to communities such as Meir that are deprived on multiple measures.

I am delighted that Meir station is now at the advanced project stage of RYR, and very advanced in that stage. I want shovels in the ground as soon as possible. A station will put Meir within 10 minutes' direct train journey from the heart of the university quarter in Stoke-on-Trent, whereas the bus journey can take over an hour in traffic. I hope that, following the opening of Meir station, we might also see a doubling of passenger services on the line from Crewe, through Stoke and Derby, to Nottingham, and go from one train an hour to two.

Meir is not alone in needing rail connectivity to Stoke town and the university quarter—connectivity not provided by bus—so I am delighted to see that restoring your railway has taken the Stoke-to-Leek line project forward to the feasibility stage, our strategic outline business case having been accepted. This line was closed to passenger traffic in 1956, except for a few football

[Jack Brereton]

specials, and to freight in 1989, and has never served some of the biggest post-war estates in Stoke-on-Trent. Even when it ran, in the 1950s, there was no station for inter-war estates such as Abbey Hulton, which has many of the same challenges as Meir. Fenton Manor in my constituency will reopen under the Stoke-to-Leek line proposals. That opens up a major centre for leisure, employment and secondary education—St Peter's Academy—to more of our city's residents, while reconnecting residents of Fenton to the rail network.

Sadly, my right hon. Friend the Member for Staffordshire Moorlands is unable to be with us today, but she very ably chaired the Stoke-to-Leek line project. It would be remiss of me not to plug the benefits of visiting her beautiful constituency, which more of our constituents will be able to do with ease once the Stoke-to-Leek line is rebuilt. It can easily take longer to get from Leek to Stoke-on-Trent station by road—especially by bus—than it takes to get from Stoke-on-Trent to London by train. Again, that makes the point that getting to and from London and big cities such as Manchester slightly faster is not as pressing a priority for people in Staffordshire as getting around and across our county and its sub-regions more easily and quickly.

To make that work, we really need Stoke-on-Trent City Council and Network Rail finally to deliver the funded and promised packages of the transforming cities fund. The city's MPs have had to watch with horror as delay upon delay has been announced in delivering the package, although we busted a gut to secure the funding, as the city council repeatedly seeks to redefine schemes that should already have been delivered. I am particularly concerned about the promised improvements to Longton station and the environments of public realm around Times Square, with its iconic railway bridge. Covid has too long been an excuse for the delays to these projects. Longton needs a properly accessible station with lifts. The Victorian ticket hall could also be restored. The station needs to look and act like a station, rather than being just a backwater of the town.

The Department has shown great patience, and I am grateful for that. I hope it will consider all the options available to get the transforming cities fund package over the line and delivered in Stoke-on-Trent. I note that paragraph 69 of the Network North document makes an explicit commitment to improving the accessibility of our train stations, with £350 million more having been provided for 100 stations. Funding released from HS2 can easily rescue aspects of TCF from further downgrading and delay. Further improvements are needed at Stoke station to increase its capacity, in terms of both platform and concourse space.

The cancellation of phase 2 means that it is more likely that high-speed services will run through Stoke to Manchester, so it is essential that Stoke station be properly equipped to accommodate those additional services. That is alongside the Stoke-to-Leek services, the upgrade to two trains per hour that we need on the Crewe to Derby line, and the potential for additional freight. A lot of mothballed railway infrastructure in north Staffordshire needs to be brought back into play, including not only the Stoke-to-Leek line, which is still a statutory railway that is owned by Network Rail, but a number of other parts of the network.

On the Crewe-to-Derby line, we also need a redoubling of the track between Crewe and Alsager, which would help to release significant capacity and allow for increased services through that part of the network. I would like to see track re-laid around the back of Stoke station and new platforms to the west of the station, which is currently a car park but was formerly full of freight lines that ran around the back of the station to the goods yard. The goods yard is now a major levelling-up project; it is time for the station and its capacity to be levelled up as well.

Given the tens of billions in funding released from HS2, there will now be many hands in the air for projects across the country, either those already included in the "Network North" document or projects elsewhere. I have already mentioned junction 15, which was part of the road investment strategy 3 pipeline, the A500 and A50 corridor, Meir station, and the Stoke-to-Leek line. There are also existing RNEP—rail network enhancements pipeline—projects that would be useful. I hope that the Minister can say whether the Department intends to reallocate HS2 money to any of those projects, or add in HS2-ready works that we need on parts of the west coast main line to upgrade it to take phase 1 services.

When the RNEP was first introduced in 2018, the Rail Industry Association welcomed it as an open and transparent way of sharing the forward pipeline of potential works. It was updated in October 2019, in what was intended to be the first annual update, but there have been no updates published since, despite repeated requests. It may be another casualty of covid, but the time is right to revisit the RNEP and publish an updated list that takes account of the changed focus following the cancellation of HS2 phase 2 and other, more recent publications. That will help to prioritise schemes that will have the greatest impact on connectivity, levelling up and productivity. I am confident that Meir and the Stoke-to-Leek proposals will be important additions.

A new station to serve Trentham or Barlaston, which I have been campaigning for, would also be welcome. I am actively engaging with Network Rail and the West Midlands Rail Executive on how they could deliver that. It would restore the rail connectivity that was lost with the suspension and demise of Wedgwood and Barlaston in 2004, and to the Beeching axe, which closed Trentham station in the 1960s. I have been on site with Network Rail at the former location of Trentham station, and I look forward to seeing Network Rail's plans for how restored rail connectivity at either Trentham or Barlaston could best serve communities between Stoke and Stone.

Our transport problems in Stoke-on-Trent and north Staffordshire cannot be solved by buses alone. We have tried that. Cross-city journeys that were once reliably fast on our local train network are now painfully slow on multiple buses that are extremely unreliable because of severe road congestion. It is not that buses have no place—they absolutely do—but they solve different transport problems. They are not always the most viable alternative to the car, or the most effective at cutting road congestion, but that does not stop them being a valued part of the public transport mix.

I welcome the extension of the £2 fare until the end of this year; that will help get people back on buses. Passenger numbers were in steep decline even before

covid, and costs were certainly a factor. I hope that the bus service improvement plan for Stoke-on-Trent, which provides all-day bus travel for £3.50, will galvanise that effect. However, if cross-city bus services are to be restored, much rests on delivering a seamless bus-rail transport interchange at Stoke station, which was promised under TCF. Even then, they will not cover the cross-city journeys that could easily be completed with a restored Potteries rail network. Ultimately, we need an Oyster-style system that will allow passengers to travel by both local bus and rail across the Potteries. That might eventually also apply to a tram network—something we are keen to see delivered in north Staffordshire. To work up those proposals to the required level of detail and engineering feasibility, some of the released HS2 moneys might need to be set aside for development funds. That worked in the case of the restoring your railway fund, where the initial hurdle is to prove that a transport problem exists, and that a public transport solution needs to be explored—although I repeat that a 25% local funding requirement is a major barrier to achieving that.

I want to mention briefly the improvements that might be needed on the west coast main line to make the network HS2-ready. In addition to Handsacre reverting to the original design, we must see action to address the issues at Colwich and create a properly grade-separated junction there. Consideration should also be given to what could be done to achieve four tracks at Shugborough. At Shugborough tunnel, there is a section where there are only two tracks. If that were addressed, there could then be four tracks all the way to Crewe. As with Stoke station, we need to look again at how best to optimise Crewe station. I have already mentioned the need to redouble the Crewe-Alsager section of the Crewe-Derby line, and the opportunity to reuse old sidings at Longport to relieve congestion on that line.

We also need to look at the capacity constraints at Crewe that HS2 Ltd failed to address, not least by drawing on Network Rail's 2016 report, "Crewe Hub: improving capacity and connectivity for our customers". That report noted that services have to cross over and share tracks at the Crewe North and South junctions, which cannot fit any more crossing train movements. There is an opportunity with the cancellation of phase 2 to focus on Crewe station to help address some of those constraints.

In particular, we should seriously consider delivering the bi-facing island platform on the Manchester independent lines to the west of Crewe station. That was envisaged in the hybrid Bill but subsequently scrapped by HS2 Ltd. I hope the Minister will revisit that, because using those independent lines with a bi-facing island platform will solve a lot of the conflicting movements and congestion issues at Crewe, especially for the Cardiff-Manchester train, and open up possibilities for more frequent local services and new services, and for restoring lines to Crewe. There can also be freight gains, and we need to remember that our transport network is not just for passengers but for goods and logistics.

Finally, I want to mention Northern Powerhouse Rail, which is obviously impacted by the decision on phase 2, given that it was proposed that it would share some of the track. However, I have recently seen alternative proposals for upgrading to a different, shorter route, which could offer a much more viable solution to NPR. I will share those proposals with the Minister, and

I hope that he will give them serious consideration, as they could mean delivering NPR sooner, with greater benefits, and at a third of the cost of what is being proposed.

In conclusion, the cancellation of HS2 phase 2a promises to release resources that can make Staffordshire a place of great transport gain, instead of a place of great transport pain, which is what HS2 was likely to make it. For the many people who have had their properties compulsorily purchased, the pain has already been incurred, and that pain needs to be drawn to a final close, and properly compensated and addressed. At the end of the day, HS2 phase 2a just did not add up, or rather its costs kept mounting, but its benefits kept diminishing. We have an opportunity to focus on local benefits that will add up to a more coherent, productive and well-connected transport system across road and rail, for the benefit of more than just those elite travellers moving between our biggest cities. Meir station and the Stoke-Leek line must be among the local schemes that are delivered. I look forward to the Minister's reply.

10.4 am

Wera Hobhouse (Bath) (LD): It is a pleasure to serve under your chairship, Mr Davies. I congratulate the hon. Member for Stoke-on-Trent South (Jack Brereton) on bringing this debate to the Chamber. It continues to be important to talk about HS2.

Rail should be a lifeline for our communities, connecting every part of the country through green public transport. After months and years of defending HS2 and spending millions of pounds preparing for it to go ahead, we are left with nothing but a missed opportunity, now that an essential part of it has been scrapped. I have long supported HS2. High-speed rail should modernise our railways, connect more of the country and increase capacity. Our rail network struggles with constant delays, cancellations and crowded trains. HS2 going all the way should have been an important step forward for all our communities.

However, HS2 faced death by a thousands cuts. Its delivery was characterised by Government mismanagement. It was hollowed out, costs were allowed to spiral out of control and the Government turned their back on Manchester and Leeds. Without additional capacity, any plans to improve our railways will be limited, and we will be left with a rail system that cannot effectively connect the whole country.

Public transport will be crucial to our meeting our net zero targets. It is a clean, green alternative to cars, and it showcases the benefits of net zero to our communities. Transport is the largest emitting sector in the UK. Rail produces over 70% less carbon dioxide emissions than the equivalent road journey. We must encourage a modal shift away from polluting transport modes towards greener public transport such as trains. The Government know that, yet Network North contains plans to move £8 billion meant for the railway to supporting road use. We need to win hearts and minds for net zero, and demonstrate to people that the green transition brings opportunities. However, at no point have the Government attempted to bring the public with them. Before cancelling the northern leg of HS2, they put a huge amount of doubt in people's minds about cost and impact.

[Wera Hobhouse]

We should be positive about public transport as a solution. HS2 and phase 2 should have been sold as a great improvement to our rail infrastructure, rather than an expensive inconvenience. Each train unlocked by HS2's extra capacity could have removed over 120 lorries from the roads. Britain's highways are already among the most congested in Europe. The decision to scrap the northern leg of HS2 will lead to up to half a million more lorry journeys up and down the country, and a lot more congestion in our towns and cities.

Tens of thousands of jobs and a great economic opportunity have been lost. Why should anybody invest in the UK when the Government do not provide long-term investment opportunities? The Institution of Civil Engineers was clear that delaying HS2 would mean that construction firms shifted their focus to other countries. Our global trade is also affected, and the British Chambers of Commerce emphasised that we need more capacity for that reason. One in four sea containers arriving or departing from a port is carried by rail. Our global partners need to be able to trust that we can move at speed and with capacity. Now businesses have been left with a gap in their strategic plans, and where is the plan to establish Great British Railways? Why is the transport Bill delayed?

The whole HS2 debacle has exposed the lack of an industrial strategy. The Government should consider giving a statutory underpinning to the publication of a national infrastructure strategy every five years. We need certainty, and the scrapping of the northern leg of HS2 just shows that when we dither and delay about long-term strategic plans, all we have is loss and absolutely no gain.

10.8 am

Sir Gavin Williamson (South Staffordshire) (Con): It is a pleasure to serve under your chairmanship, Mr Davies. I congratulate my hon. Friend the Member for Stoke-on-Trent South (Jack Brereton) on securing this debate.

I congratulate the Minister on making the right decision to cancel HS2 phases 2a and 2b. HS2 is absorbing £1 in every £3 spent on transport in this country. Many of my constituents and many people right around the country feel that that is the wrong priority. Mr Davies, I know that you have long campaigned for the bypass around Shipley. The cancellation gives us the opportunity to spend the money in areas where it is required. I will touch on a number of those areas.

A couple of decades ago, we saw the reopening of the Chase line, which serves not just Cannock and Rugeley but Landywood station in South Staffordshire. We have seen a transformation in communities. With the electrification of the line, passenger numbers have grown. That has also resulted from the change of timetable on the Birmingham to Shrewsbury line, with a large increase in the number of passengers. By getting investment right in local services, as opposed to white elephants such as HS2, we can transform communities and transform people's lives.

I ask the Minister to take the opportunity to look at some recent changes that have been detrimental to communities. An example is the Birmingham-Stoke-Crewe line, where there has been a cut in services because of

timetable changes. I would appreciate the Minister looking at that, because it is having a detrimental impact on many local stations along the line. With the money that will be freed up from the cancellation of this service, there are opportunities to make further improvements to our network. We could see the extension of the Manchester-Stoke service all the way to Stafford, which would have a real benefit for many stations across north Staffordshire.

My hon. Friend the Member for Stoke-on-Trent South mentioned the north Staffordshire railway link. Improving east-west connectivity is absolutely vital for moving freight transport off the busy west coast main line, to ensure it goes to places it needs to and gets more freight on rail and off our roads. It would be wrong not to mention our roads; I am delighted to see that, as a result of the cancellation of HS2, Staffordshire has benefited by an extra £4.4 million.

Let us be clear: the people of Kinver, Codsall, Wombourne, Great Wyrley, Brewood and every place across south Staffordshire want to see the potholes eradicated. That extra £4.4 million will go a long way towards blitzing some of those problems. I appreciate that it is not in his portfolio, but I ask the Minister to go back to the Secretary of State for Transport and say that we want more money to deal with those potholes right across Staffordshire. This cancellation can make a real impact, delivering better services in every community across Staffordshire, but let us make sure that that money is well spent.

10.12 am

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Diolch yn fawr iawn, Cadeirydd; it is a pleasure to serve under your chairmanship, Mr Davies.

I congratulate the hon. Member for Stoke-on-Trent South (Jack Brereton) on securing this debate. He mentioned the slogan "gain or pain". The slogan for HS2 in Wales has become "The great Welsh train robbery": it is a rip-off. It will be interesting to see what the scrapping of the Manchester leg of HS2 means for Wales. Scotland and Northern Ireland will continue to receive billions of pounds in Barnett consequentials from the remnant of the HS2 project from London to the English midlands; Wales, of course, will not see a single penny in direct consequentials from this project.

We recently heard the HS2 executive chair's jaw-dropping admission that the cost of HS2 has ballooned to £66 billion. That means that Wales is now losing out on £3.9 billion in much-needed funds. I ask the Minister directly to outline why he thinks there is any argument for cross-UK equality while Wales is short-changed to the tune of £3.9 billion. What reasons can he give for not treating Wales in the same way as Scotland and Northern Ireland? Just think what £4 billion could do for Wales's transport infrastructure, particularly in rural areas where bus services have been run into the ground for years.

Extra funding within Wales, managed within Wales, would not just benefit passenger services but allow us to develop freight opportunities, which would in turn strengthen our economy—just as the original railways did in 1804, with Richard Trevithick's pioneering locomotive in Merthyr Tydfil and the slate exports from my own county of Gwynedd.

There is also the matter of the £36 billion that has been reallocated from the scrapped phase 2 of HS2 to Network North projects. Again, there is no clear indication whether Wales will receive full Barnett consequential for money that is spent on services in England through Network North. There can be no excuse for denying Wales full funding on those. Will the Minister outline exactly what compatibility factors and quantum of consequential funding Wales will receive from English Network North projects?

The Government promised, with great fanfare, to pursue the electrification of the north Wales main line, yet the current £1 billion pledge is, at the very least, 50% below what is now estimated to be needed. The figure is based on a business case made nearly 10 years ago; costs now are likely to be north of £1.5 billion.

I ask Opposition Front Benchers whether they are content with Welsh rail being permanently underfunded in this way. If they form the next Government, will they commit to fixing this broken funding mechanism? Do they accept the principle that HS2 is an England-only project, and that Wales is owed full consequential funding? The Welsh Labour Government already do, and there is cross-party agreement on this in the Senedd. Will Opposition Front Benchers here be at odds with their colleagues in Wales?

The billions owed to Wales could be invested to reverse some of the savage cuts made to bus services, which of course also result from Westminster austerity. Over the past 15 years, rural bus services in Wales and England dropped by 52%. In my county of Gwynedd, bus service frequency has dropped dramatically, with change in service frequency measured in trips per hours between 2010 and 2023 dropping by 50.5%. The Confederation of Passenger Transport has estimated that a further 15% to 25% of all bus routes in Wales will be at risk of cuts or significant amendment over the coming year.

It is clear that the UK Government's boastful rhetoric on transport funding is at odds with people's real life experiences in our communities. The Government must match their rhetoric with action and commit to full funding from HS2 to Wales.

10.16 am

Dr Thérèse Coffey (Suffolk Coastal) (Con): It is a pleasure to contribute today, Mr Davies. I was a member of the Cabinet when the decision was made to change the investment and reinvest the £36 billion to drive economic growth across parts of the United Kingdom.

It may seem odd that I am here, but Felixstowe is actually part of Network North, which recognises the fact that the port of Felixstowe is the primary port of the United Kingdom. The connections that need to be made, particularly on the rail networks, are part of what will be financed at that point. That is the primary reason why I am here today. In particular, the document recognised the importance of the Ely and Haughley junctions. That investment will lead to six more freight trains per day from the port of Felixstowe, which is the principal route for the northern powerhouse and a lot of the work that will be done up there.

I completely understand that the Ely junction is rather complicated and has had a variety of costings over the years, as plans get more and more detailed.

However, I call on the Minister to really push ahead and give the all-clear to Network Rail to re-form the team specifically on the Haughley junction. This is a much more modest project, which was estimated to cost about £20 million. I recognise that, with inflation, that may now be slightly higher. Nevertheless, there is an opportunity to get the team back together, get that work going, and to get spades in the ground, even if only on preparatory work this year. That will help our resilience, both with freight trains and with the passenger trains that link London to Norwich through the counties of Essex and Suffolk. On the project team being disbanded, I know that the Treasury has a part in this, but I am confident that the green light from officials or Ministers in the Department for Transport to Network Rail will enable us to get that together. It is a modest project that does not need much investment to get going.

I turn to the wider consequences of the cancellation of HS2. It is important that where farming land has been purchased, we seek for that land to go back into farming, recognising aspects of food security. I also welcome the fact that the £2 bus fare has been kept until the end of this year, without the anticipated rise. That is a good investment in local public transport. I am conscious that there has been significant investment through the major road network on the A12, for which Suffolk County Council has been granted funds that will help with the traffic and congestion problems that arise in the area. Those problems are anticipated to increase as a result of the construction of Sizewell C, which is now under way after the development consent order was triggered on Monday; I was pleased to be in Sizewell for the recognition of that.

There are other elements of the A14 that really need looking at. I encourage the Minister, as part of this wider investment, to ask the roads Minister—the Under-Secretary of State for Transport, the hon. Member for Hexham (Guy Opperman)—to look at this carefully. I know that there was a hugely successful project in Cambridge: it was brilliant and was done on time, and it might even have been done under budget. However, that should not be the end of the story for one of the most important parts of the major road network in terms of economic productivity.

My right hon. Friend the Member for South Staffordshire (Sir Gavin Williamson) talked about potholes. It is critical that the funds for potholes are ringfenced. There have been some shocking situations with potholes in my own constituency in Suffolk. I met the leader of Suffolk County Council last Friday to discuss some of them, and this Friday I am meeting the council's cabinet member with responsibility for roads. There are issues with the thoroughfare in Woodbridge, aspects of Aldeburgh and parts of the main A12, and many other places are struggling, too.

I know that the weather has been a challenge and that there have been other issues. Suffolk County Council appointed a new contractor, which started in October; it is not doing the job that it should be doing. I am pleased that the council has recognised that: the contractor is being hauled in front of the council leader. It is important that we keep that scrutiny and that the Government continue to ensure that taxpayers' money is delivered for the benefit of taxpayers, quickly, promptly and effectively.

10.21 am

Rob Butler (Aylesbury) (Con): It is a pleasure to serve under your chairmanship, Mr Davies. I congratulate my hon. Friend the Member for Stoke-on-Trent South (Jack Brereton) on securing this debate.

I stood for election in 2019 in complete opposition to HS2. As soon as I arrived in Parliament, I worked hard with colleagues in the HS2 review group to try to get the entire project scrapped by the then Prime Minister Boris Johnson, but sadly we were unsuccessful. Since the approval of phase 1, I have been tireless in trying to secure better mitigation for my constituents and in holding HS2 Ltd to account when things go wrong, which I am afraid to say they do regularly.

My Aylesbury constituency has been perpetually, permanently blighted by the construction of phase 1 of HS2. I am very pleased that many colleagues here in Westminster Hall today will not suffer such blight with the construction of phase 2. From Fairford Leys to Walton Court, and from Stoke Mandeville to Wendover, construction is causing untold misery for residents, with noise, traffic and daily disruption to everyday life.

At last, in October, we were given a glimmer of hope that we would finally receive some tangible benefit from HS2 through the cancellation of phase 2. Two projects in my constituency appeared on the list of 80 projects that were part of the Network North plan: the south-east Aylesbury link road and the eastern link road. Those two projects are critical to the future success of the town. They will ease congestion, reduce air pollution and help to spur economic prosperity, which are all things that we can all agree are good for our communities. They are essential to support the huge amount of house building that we have already seen in and around Aylesbury and the thousands more houses that will be constructed in the coming years. I am very grateful to the roads Minister, who met me to discuss the roads projects and promised to help me get them over the line.

However, recent communication from the Department for Transport has caused me alarm and made me think that in fact the money for those projects may not be given to my area in the way that we were led to believe, if it is given at all. That would be wholly unfair and profoundly wrong, given the blight that we have suffered and continue to suffer.

Today I seek reassurance from the Minister present, who knows Aylesbury well, that he will do everything in his power to make sure that the two original projects in Aylesbury outlined on that list of 80 projects for Network North will indeed be delivered in their entirety in the Aylesbury constituency. Ultimately, the simple fact of the matter is that the longer we delay unlocking those funds for what are essential projects that will one day have to be delivered, the more the costs will escalate and the bigger the final bill will be. That would benefit absolutely no one. My town is absolutely gridlocked because of this white elephant of a project. We desperately need our share of the money that is being saved by the decision to cancel phase 2A of HS2. The people of Aylesbury deserve absolutely nothing less.

I would just say that we are not opposed to infrastructure at all in Buckinghamshire. Indeed, many people locally support the Aylesbury link of East West Rail. That is the railway that we want in Buckinghamshire, but it always seems to be just out of our grasp. I remind the

Minister that we are very keen to see it getting the go-ahead; I seek any undertaking on that that he might be able to give me. We want railways that are right for our communities, right for our society and right for our economy.

Several hon. Members *rose*—

Philip Davies (in the Chair): Order. I am afraid that for our final two speakers, I will have to drop the time limit to three minutes.

10.25 am

Sir William Cash (Stone) (Con): Having voted against this and argued against it for the best part of a decade, I was delighted by the Prime Minister's decision and by the Minister's engagement. I have had many, many meetings with Ministers and so forth about the issue over a very long time.

I congratulate my hon. Friend the Member for Stoke-on-Trent South (Jack Brereton) on his extremely powerful speech and on using his experience as a member of the Transport Committee to amplify the issue. That is in addition to the work of Trevor Parkin in my constituency, who has done the most remarkable work on this area.

The line was due to pass straight through my constituency, from top to bottom, and we are thoroughly relieved that it has been stopped after all this time. It is still causing misery for many of my constituents, however, and we are in the midst of negotiations with HS2 over the sale of their property and land. Communication has been slow or non-existent and, in the meantime, the works and the spending of public money have continued. I urge the Government to closely monitor the winding-up of HS2, intervening when necessary, and to make sure that compensation is paid. We will debate this issue in Westminster Hall again tomorrow.

Finally, I will simply add that, along with the money that is earmarked for improvements in transport projects, I agree with everything that has been said in this debate about how regional, national and east-west networks must be improved. Levelling-up has been a tremendous opportunity, but that has to be delivered. I am grateful to my constituents for the support that they have given to me and to the Minister for the meetings that we have had and for coming to the right decision.

10.26 am

James Grundy (Leigh) (Con): It is a pleasure to serve under your chairmanship, Mr Davies.

Like my hon. Friend the Member for Aylesbury (Rob Butler), I was an anti-HS2 campaigner long before I became a Member of Parliament. I declare an interest: phase 2b of HS2 did run through the Grundy family farm. I recognise many of the issues raised by colleagues—communities paralysed for a decade by uncertainty, businesses unable to invest, people unable to sell their homes.

We were successful in getting HS2 scrapped. I am delighted about that and would like to pay tribute to two colleagues. One of them, who is sitting here, is my hon. Friend the Member for Warrington South (Andy Carter). He fought manfully for his constituents in trying to stop HS2. The other is my right hon. Friend

the Member for Altrincham and Sale West (Sir Graham Brady), who consistently stood against this project for a very long time.

There was a real issue with what was proposed. The people of Greater Manchester wanted better connections between Manchester and Liverpool, because those are their commuting patterns. My hon. Friend the Member for Warrington South has said to me that when his constituents get on the train in the morning, half go to Manchester and half go to Liverpool. The idea that people in constituencies such as ours would suddenly all decide to commute to London from central Manchester because the journey is 15 minutes faster was slightly optimistic.

The other problem was that the changes would have meant that places such as Warrington Bank Quay in my hon. Friend's constituency would have become regional backwaters. If constituents of mine who would previously have gone via Warrington—as I do when I travel down here—had wanted to travel on the new HS2 line running through our constituencies and connecting with part of my hon. Friend's constituency, they would have had to travel 30 miles north, through heavy traffic, to Preston. They could not have travelled on the line that went through our constituency unless they went to Preston to catch the train. I thought that was profoundly silly.

My final words—the most telling, I think—are these: “We will get all of the disruption with none of the benefits in an area with the worst railway accessibility in the country. Why should we accept that?” Those are not my words, ladies and gentlemen, but those of Andy Burnham when he was the MP for the Leigh constituency and expressed his concerns about the project to his constituents.

On Network North, I am delighted that the money is being redistributed to more popular transport projects such as the bypass, which I raised at Prime Minister's questions last week. I look forward to meeting the Minister to discuss bringing forward those projects.

10.30 am

Gavin Newlands (Paisley and Renfrewshire North) (SNP): It is a pleasure to serve under your chairship, Mr Davies. I congratulate my Transport Committee compatriot, the hon. Member for Stoke-on-Trent South (Jack Brereton), on setting out the issues so comprehensively. I disagree with most of his conclusions, but that will not come as a surprise to him. He described Network North as a coherent programme, which I thought was stretching the truth a little. Nevertheless, he led the debate very well.

The hon. Member for Lichfield (Michael Fabricant) spoke about the money spent in the west midlands with regard to Network North, which highlights how ridiculous Network North is; that spread means the money is being redirected from the north. The hon. Member for Stone (Sir William Cash) spoke about the reopening of Stone station, but he missed the opportunity to talk about high-speed rail to Rwanda. Perhaps he will bring up that issue later. It is much more likely to get to Rwanda than to the Scottish border.

The hon. Member for Bath (Wera Hobhouse) spoke of death by a thousand cuts, and the fact that the Government have turned their back on Manchester and Leeds. I wholeheartedly agree, but they have also turned

their back on all the areas north of Manchester and Leeds that are served by the west coast mainline. The right hon. Member for South Staffordshire (Sir Gavin Williamson) called HS2 a white elephant. It is certainly becoming one, but that need not have been the case.

The right hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts)—I am sorry if I have butchered the pronunciation of her constituency—was absolutely right that Wales has missed out on Barnett consequential from this project. I have raised that issue many times myself. If it is good enough for Scotland and Northern Ireland, it is good enough for Wales.

The right hon. Member for Suffolk Coastal (Dr Coffey) understandably focused on the potential benefits of Network North for her local area, and spoke of the return of any farmland purchased for phase 2 delivery. The hon. Member for Aylesbury (Rob Butler) spoke of the benefits of the local roads that may now be built as a result of HS2 cuts. Finally, the hon. Member for Leigh (James Grundy) understandably spoke of the desire for better rail links between Manchester and Liverpool.

It is absolutely right that the GB rail network is expanded. It is ludicrous that HS2 is the first mainline railway to be built on this island for more than a century. That it has taken until now for it to happen is a damning indictment of decades of short-termism, penny pinching and blinkered policies. In less than 50 years, France has built nearly 1,800 miles of TGV lines. If we are lucky, it will take the UK 20 years to build less than 8% of that length of track.

Michael Fabricant: Will the hon. Gentleman give way?

Gavin Newlands: I will if the hon. Gentleman is very brief, which is not in his nature.

Michael Fabricant: I will try to be on this occasion. Does the hon. Gentleman accept that in France commuter lines run a lot slower than in the United Kingdom? France has half the density of population and does not go through the same procedures as us on planning permission—it literally railroads the trains through.

Gavin Newlands: I recognise some aspects of what the hon. Gentleman said, but I disagree with other conclusions that he has drawn. It is obviously up to the Government to change planning regulations if they wish, but they have got themselves into a bit of a nightmare with HS2 land purchases.

We have done all that for the bargain price of £60 billion. I have said many times here and in the main Chamber that in the UK we are often too timid in taking on big infrastructure projects. Incremental change is good, but sometimes a big bang is the only thing that will change things fundamentally for the better. Many of us supported HS2 because behind the headline of a new supercharged branch line south of Birmingham was a substantial increase in capacity on the west coast mainline, and the broader rail network would be freed up when traffic was switched on to the new lines.

Jack Brereton: Will the hon. Gentleman give way?

Gavin Newlands: I will come back to the hon. Gentleman if I have time. He gave quite a long speech at the start, although I appreciate that he led the debate.

HS2 would not just have helped with the projected increase in passenger numbers, but would have freed up freight paths that could have played a huge part in modal shift by getting freight that is currently on the back of heavy goods vehicles on to rail. The cancellation of everything but phase 1 means that there are no capacity gains north of Birmingham, and any new services that were supposed to result from its capacity extension will somehow have to fit into the already full-to-bursting track—again, all for the bargain price of £60 billion. Only Great Britain could chuck more than £60 billion at a new cutting-edge, gold-plated railway line and end up with slow services to the majority of the country. At £8,000 per inch, it will cost a monstrous sum of money, delivering nothing to the north of England and Scotland, but downgrading services.

Last week at the Select Committee, we heard from the chairman of HS2, who confirmed to the hon. Member for Easington (Grahame Morris) that capacity between Manchester and London will be reduced as a result of the Government's decision. Prior to that, we heard from the rolling-stock companies, which outlined how the use of classic compatible HS2 rolling stock currently planned by the Department for Transport could result in a 24-minute deterioration in journey times between Glasgow and London—so there would be high-speed rail for those in Birmingham, less so for those north of Manchester. Prior to that, the Committee heard from the former head of the Strategic Rail Authority—someone I hope the Government would accept knows his onions—that the decision to cancel everything but phase 1 means that

“there is no material increase in capacity north of Lichfield”.

We are left with a shuttle service between two cities in the south of England that already have nearly 180 daily services between the stations, all for the bargain price of £60 billion.

Thirty years ago, the channel tunnel was meant to herald direct services from all parts of this island to the continent. Those of us outside the M25 were promised those services, adding to the links enjoyed by London and Kent. Of course, those regional services never happened. At least some of the trains that cost the taxpayer over £200 million—£400 million at today's prices—got some use, later finding service on the French national railway in a happy bonus for those passengers at the expense of those of us who did without. Meanwhile, the Nightstar sleeper trains were flogged at rock-bottom prices to VIA Rail in Canada at a third of the price they were worth, and the promised link between the original high-speed line leading from the channel tunnel to the rest of the inter-city network never materialised—and it is extremely unlikely that it ever will.

To recap, trains meant for Manchester, Glasgow, Cardiff and Edinburgh ended up in Paris, Brussels, Toronto and Montreal. Those trains were paid for by the UK taxpayer but flogged overseas for a huge loss. The infrastructure promised by Government to improve regional connectivity failed to materialise, all while the rest of the UK—including Wales, with no benefit—paid tax into a Treasury that is only happy signing blank cheques for infrastructure that benefits London and the south-east. In other words, the HS2 debacle is not the

first time Westminster and the UK Government have promised and failed to deliver for this island outside the M25. It will absolutely not be the last.

In contrast, the SNP Scottish Government have delivered 217 km of electrified track in the last decade. That is a 32% increase, including the Paisley Canal line, the Glasgow and Edinburgh to Stirling, Dunblane and Alloa line, Edinburgh to Glasgow via Falkirk High, Cumbernauld and Whifflet, Glasgow to Barrhead—with a new electrified services between Glasgow and Barrhead just starting in the last few weeks—and the East Kilbride line currently under way, with the preparatory work for the next project ongoing. We have new stations at Inverness airport, Reston, Robroyston, Kintore, East Linton and Laurencekirk. We have reopened the Stirling-Alloa and Airdrie-Bathgate lines, along with the hugely successful Borders Railway, and the Levenmouth link in Fife is nearly complete. We have the biggest rolling-stock order in ScotRail history, pre-covid passenger numbers were up 19% since 2011-12, the peak fare removal pilot has been extended and, of course, latterly ScotRail has been nationalised.

Only yesterday, we saw the real issues with the privatised model, given the reports about the Avanti presentation. That highlighted all that is wrong and the inherent waste of passengers' and taxpayers' money in the current privatised model. Avanti and other operators, including foreign state-owned rail operators, are laughing at us. One slide was headed:

“Roll-up, roll-up get your free money here!”

The presentation described how the Government asked the company to deliver good customer service and projects before sneering,

“then they pay for it...nearly all of it!”

Performance-related payments for staff were “too good to be true”.

In the case of Avanti management, I think most of us would certainly agree that that is an understatement.

When the former Transport Secretary, the right hon. Member for Welwyn Hatfield (Grant Shapps), announced the creation of GBR, the plan was for it to take over the development of rail strategies from the DfT. That is desperately needed because the omnishambles of HS2 has shown how catastrophically bad rail policy and management has become. We still do not know when legislation will be introduced to establish GBR, but whatever the shape of the post-election Administration, it has to be one of their transport priorities. We cannot end up waiting another century for network expansion to be on the agenda again and we cannot afford another £60-billion disaster.

10.40 am

Stephen Morgan (Portsmouth South) (Lab): It is a pleasure to serve with you in the Chair, Mr Davies. I thank the hon. Member for Stoke-on-Trent South (Jack Brereton) for opening this important debate with a very thorough contribution on the issues affecting his constituency. We have had a range of contributions this morning, with speeches and interventions from right hon. and hon. Members.

The hon. Member for Stoke-on-Trent South was right to flag the huge waste and financial costs of the decisions by the Government and the need for clarity

and transparency on future plans. He was also right to say that we need to make sure that we have a strategy for rail that meets the demands of the future, improving connectivity and addressing capacity needs as well as the strategic value of freight.

The hon. Member for Bath (Wera Hobhouse) said that the Government had turned their back on the north. She talked about the need to be positive about the contribution of rail to our communities and she set out the need for investment in jobs for our economy. Right hon. and hon. Members also spoke about the need for clarity on future plans for rail, for both passengers and freight.

Whatever we think of the decision, it is hard to put into words how much of a mess the Government have made of HS2. It is easier to identify who is responsible for this fiasco. As Chief Secretary to the Treasury and then Chancellor, the right hon. Member for Richmond (Yorks) (Rishi Sunak) allowed costs to soar and public money to go down the drain. As Prime Minister, his weak leadership and mismanagement are what led to the chaotic decision made in Manchester in October and the fallout that has happened since—a decision that two former Tory Chancellors have warned is an act of huge economic self-harm; which the Tory Mayor of the West Midlands has described as “cancelling the future”; and which the new Foreign Secretary said shows:

“We can no longer think or act for the long-term as a country”.

It was a decision that the Prime Minister made without consulting our metro Mayors or any of the communities and businesses that depend on the project. The decision means that the Government’s flagship levelling-up project reaches neither central London nor the north of England, and it ensures that a now staggering £65-billion high-speed train moves off the motorway on to a gridlocked road the second it hits the north.

As we heard earlier, last week the chair of HS2 revealed that the Government’s solution, cooked up in a conference hotel room in Manchester, to send HS2 trains on the west coast mainline north of Birmingham will mean fewer seats and longer journeys. What a result after 14 years and £65 billion spent! To make matters worse, in its place the Government announced Network North—

Michael Fabricant: Will the hon. Gentleman give way?

Stephen Morgan: We have limited time, so I need to make progress. The Government announced a plan so rushed and ill-thought through that it included an extension of Manchester’s tram link to the airport, a project that opened nine years ago; an upgrade to the A259 to Southampton, a route that does not exist; and a

“brand new rail station...for Bradford”,

a project that has been scrapped and reinstated by three Tory Prime Ministers in a row.

On investigation, it has quickly become clear that the vast majority of Network North announcements relate to projects that have already been built, have already been announced, or do not exist. Just when we thought the fiasco could not become any more laughable, just a week after the announcement, the Prime Minister revealed that the Network North plans were only “illustrative”.

Do Ministers really think that people will fall for that? They will not, because they have had enough of the delays, cancellations, rising fares and overcrowded trains that they have to endure under this Government’s broken rail system, and enough of being told that Network North is going to transform transport in their community, and then seeing the money spent on potholes in London. They have had enough of the broken promises by a broken Government. Labour knows how vital infrastructure is for economic growth, connectivity and attracting investment. After this fiasco, we know that the north and the midlands—the entire country—cannot afford to repeat the same mistakes that we have had to ensure over the past decade.

Jack Brereton: Will the hon. Gentleman give way?

Stephen Morgan: No, I will carry on because I am conscious of time. The hon. Member had plenty of time to speak earlier. We have launched an independent expert review of transport infrastructure, headed up by Jürgen Maier, so that we learn lessons from this mess, ensure that we deliver transport infrastructure faster and more effectively, and ensure that communities across the country can see the benefits.

When a Government make huge decisions on the fly without bothering to consult experts or the communities that they will affect, the consequences are vast. I have heard from many small and medium-sized enterprises whose long-term business plans were built around HS2—businesses across the country that will now be letting people go because of the chaos of the last few months. People’s homes, land and businesses have been sold off, and they will now be asking why. Three months on, the Government still have many questions to answer.

Michael Fabricant: On a point of order, Mr Davies. The whole nation is dying to know whether Labour will reinstate HS2 phase 2a. Is it in order for the hon. Gentleman to refuse to take any questions?

Philip Davies (in the Chair): Having been here as long as he has, the hon. Member for Lichfield knows that whether to take an intervention is entirely down to the person speaking; it is not for anybody else to decide.

Stephen Morgan: Thank you, Mr Davies. I am happy to answer the question from the hon. Member for Lichfield: the Government have blown such a huge hole in the HS2 project that, until we know what situation we will inherit, it would not be right for me to set out what we would do. The Government have created this mess.

I would like to put some questions to the Minister. Has an economic assessment been made of the impact of the decision? How much more taxpayers’ money will he spend on phase 1 through rescoping, and how high should the public expect that bill to be? What is the impact of the decision on rolling-stock orders, and how many supply chain businesses does he expect to go under as a result? What plan do the Government have to tackle congestion on the west coast main line, which leads to many cancellations and delays across the midlands and north, and which Network North does nothing to resolve? How much more congestion does he expect to see on our roads, given that the Government have spent 14 years focusing on this transport project, which they have now failed to deliver?

[Stephen Morgan]

I look forward to the Minister's remarks, and I again thank the hon. Member for Stoke-on-Trent South for securing the debate.

10.47 am

The Minister of State, Department for Transport (Huw Merriman): It is a pleasure, as always, to see you in the Chair, Mr Davies. I thank my hon. Friend the Member for Stoke-on-Trent South (Jack Brereton) for securing this important debate on HS2 phase 2a and Network North, and for the manner in which he set out his case.

As has been mentioned, on 4 October last year, the Prime Minister announced that phase 2a of HS2, along with phase 2b—the western leg—and HS2 east, would be cancelled, and that funding would be redirected towards alternative transport projects in the north and midlands through Network North. Let me give a bit of the background and rationale. The HS2 programme accounted for over one third of all Government transport investment. That prevented us from spending money on other genuine priorities, and it could be argued that, if we were not investing in the areas that matter to people, we were doing little to improve the journeys that people make the most.

Network North will drive better connectivity across the north and midlands, with faster journeys, increased capacity, and more frequent and reliable services across rail, bus and road. Rather than delivering phase 2a, the phase 2b western leg and HS2 east, the Government are redirecting £36 billion to hundreds of transport projects across the country, one of which, of course, is in Shipley.

Wera Hobhouse: Will the Minister give way?

Huw Merriman: I will come to the hon. Member shortly.

Every region is now set to receive the same or more transport investment, on an unprecedented scale. We will still deliver HS2 between Euston and the west midlands as planned: 140 miles of new railway and new stations at Old Oak Common and Birmingham interchange. HS2 tracks will end with two branches in the north: one to Curzon Street station in central Birmingham and one to Handsacre, near Lichfield, where HS2 trains for Manchester, Liverpool and Scotland will join the west coast main line.

Delivery is well under way, and there are 350 active sites. Initial high speed services will start between 2029 and 2033, and will run between Old Oak Common in west London and Birmingham Curzon Street. We will appoint a development corporation, separate from HS2 Ltd, to manage the delivery of the project at Euston, and create a transformed Euston quarter that will potentially offer up to 10,000 homes.

I turn now to land and property safeguarding with regards to the disposal that will come into effect now that phase 2a is not being completed, and I will then come to point made by the hon. Member for Portsmouth South (Stephen Morgan)—that it is not possible at the moment for the Labour party to determine what it will do. If he listens to this part, he will realise it is entirely possible. We know it is just a smokescreen: the Labour party cannot make a decision because it does not know what to do.

Safeguarding on the former phase 2a of HS2 between the west midlands and Crewe will be lifted very shortly. The lifting of safeguarding does not in any way trigger the start of a sell-off of property already acquired. HS2 Ltd has ceased the issuing of any new compulsory purchase notices on phase 2a and is now working to close out all transactions across phase 2 that were outstanding on 4 October. Where we can agree with property owners to withdraw from an agreed acquisition, we will do so, but in many cases we are under a legal commitment to proceed. In others, we have discretion and we are examining those on a case-by-case basis, considering the circumstances of the claimant and the implications for the taxpayer to identify the right way forward.

We are currently developing the programme for selling land acquired for HS2 that is no longer needed, and we will set out more details in due course. We will take the time to develop this programme carefully to ensure that it delivers value for money for the taxpayer and does not disrupt local property markets. Under what are known as the Crichton Down rules, land and property acquired through compulsory purchase or under statutory blight, and which is no longer required, should in certain circumstances be offered back to its former owner at its current market value. We will of course engage with all affected communities throughout this process.

Therefore, the choice will be quite clear for the Labour party. As I said, the safeguarding will shortly be lifted, and the land is not owned by the Secretary of State; it is owned by other property owners who are stymied at the moment from doing what they may want to do with it because safeguarding is imposed. No land will be sold off until we are ready. It is perfectly feasible for the Labour party, if it supports HS2 going ahead, to say that it will put the safeguarding back on, which would be relatively straightforward. As none of the land will have been sold, it can just continue.

However, the Labour party will not say that because it does not know whether it wants it to go ahead. The hon. Member for Portsmouth South mentioned going to Manchester and not committing to HS2 phase 2a or 2b, but that is exactly what the Leader of the Opposition did last week. He went to Manchester and said, "We will not proceed with that project." Even worse, I am going to talk to all these projects, and hon. Members are here to talk them up, but where are the Labour MPs to talk up these projects across the north and the midlands? Nowhere to be seen. Those projects have not been committed to, so where will the £36 billion that we have committed to these projects go? The silence is deafening.

Wera Hobhouse: Will the Minister give way?

Huw Merriman: I am not going to give way because I am going to come to the hon. Lady shortly. I want to refer to the points that my hon. Friend the Member for Stoke-on-Trent South raised on the local causes. He said that he is delighted with the decision on Meir station—I was delighted to join him up at Meir to see the site—and since then, he has been really successful in his campaign. That project aims to provide a new station in the town of Meir on the existing Crewe-Derby line, and it was awarded initial funding to develop a strategic outline business case as part of the first round

of the restoring your railway ideas fund. The full business case is expected to be submitted in July of this year, and decisions on further funding for the project will be made within the context of the broader programme. As he knows, his station is mentioned in Network North; we are committed to it.

My hon. Friend mentioned Stoke and Leek, and a bid to reinstate the railway line between Stoke-on-Trent and Leek has been made to the restoring your railway programme. The proposal examines the potential for six intermediate stations on the route, and the Network North announcement included the intention to progress the Stoke-Leek restore your railway scheme to delivery. I am grateful to him for all his work on that.

Longton station is another that I visited with my hon. Friend. That original station project includes public realm, cycle hub, waiting shelters and accessibility improvements. The council has faced a number of challenges in relation to cost pressures, delays and technical issues. The estimated cost of the Longton project is now forecast at £3.5 million to £4 million, compared to £1.1 million at the time the funding was awarded. We are committed to working with Stoke-on-Trent City Council—Network Rail has entered into a development services agreement, and the council has indicated that the project is forecast to complete by September 2025. On junction 15, which my hon. Friend mentioned, improvements are being developed and delivery would be on a similar timeline as improvements to the A50. Those are all subject to a supportive business case.

On a point mentioned by my hon. Friend the Member for Lichfield (Michael Fabricant), I can assure him and my hon. Friend the Member for Stoke-on-Trent South that HS2 will be delivered with a branch to Handsacre near Lichfield. In the absence of phase 2a, Handsacre remains the only connection between the high-speed infrastructure and conventional rail. I can confirm that work is being undertaken to assess the options to enhance the railway in the Handsacre area, to support train services and capacity, making use of the £500 million set aside in Network North. I can give my hon. Friend the Member for Lichfield that reassurance, which he can pass on to our fantastic Mayor of the West Midlands, Andy Street.

I will turn to the other contributions—none from Labour MPs because they did not make any. I will start with my right hon. Friend the Member for Suffolk Coastal (Dr Coffey) and thank her for again championing the Ely and Haughley capacity enhancement project. That will increase freight trains from 36 to 42 trains a day from the port of Felixstowe, allowing trains to go into the midlands, rather than further south. Network North has confirmed its support. It is a project that I have long championed but we have been unable to put on the list due to HS2 spend. Because of this decision, we now can. The next steps are for a full business case, and we are engaging with the Treasury. I take my right hon. Friend's point about getting back the Network Rail team on the Haughley preparation work project. That is something that we are looking at in the Department, and I thank her for her points.

I will turn to other contributions. My hon. Friend the Member for Lichfield, in addition to his other intervention, referred to funding for the cross-city line. Perhaps I can point him towards the city region sustainable transport settlements and the local integrated transport settlements, which are two funds from Network North. As well as

the list of projects we have committed to deliver, we are also committed to deliver money on a devolved basis, so that local transport authorities can determine on which projects they want to spend their money.

For example, an extra £1 billion has been put into the city region sustainable transport settlements fund for the west midlands, which takes it up to £2.64 billion, allowing the west midlands to make its own choices, because there is devolution within this programme. My hon. Friend the Member for Stone (Sir William Cash) mentioned the case for new stations, showing their business case worth. He is absolutely right regarding Stone, and we hope that will be the case for Meir. I also want to thank him for his work with Trevor Parkin, and for the time he took to drive me through his constituency, so that I could see the impacts that he talked about.

My right hon. Friend the Member for South Staffordshire (Sir Gavin Williamson) asked me to go away—in the most polite terms, I am sure—and assess the west coast main line timetable. I am happy to do so and will write to him. I hear his call for more pothole funding for his roads. Every hon. Member will have seen money given to them for pothole funding. It is essential that it is spent well, and I hear his call that more should be spent.

I now come to the contribution from the hon. Member for Bath (Wera Hobhouse), which I found extraordinary. She made the case for HS2, and, of course, I agree. That is why we are delivering 140 miles of it. I find it extraordinary that I was delivering leaflets in Chesham and Amersham for the Conservative party, talking up the project on similar lines to hers, yet the entire Liberal Democrat campaign in Chesham and Amersham was to run down HS2 and call for it to be cancelled. I have no issue with individual Members campaigning against HS2 because they always have done, but for a party in a by-election to focus its entire campaign on cancelling a project only to then stand here and talk it up—sorry, only a Liberal Democrat could do that.

The leader of Plaid Cymru asked what HS2 does for Wales. The reality is that it was always an England and Wales project, which is why with Network North we are allocating £1 billion to the electrification—

Liz Saville Roberts: Will the Minister give way?

Huw Merriman: I will not give way. We are allocating £1 billion to electrification in north Wales, and we will now further that business case.

I will give my hon. Friend the Member for Aylesbury (Rob Butler) the assurance he sought. We spoke about the two road projects, and I will take that back for consideration. He has my commitment. I drove through Aylesbury last Saturday, and he knows I know it well.

I am also looking forward to visiting my hon. Friend the Member for Leigh (James Grundy) next week.

We have a plan and we know what the plan is, though people may disagree with it. My challenge to the Labour party is: what is its plan? Will it go ahead with HS2? If not, will it commit to some of these amazing projects across the country that the HS2 funding will deliver?

10.59 am

Jack Brereton: I thank the Minister for his response and all those Members who contributed to a full debate. I do not necessarily agree with all the Opposition Members,

[Jack Brereton]

but I thank them for their contributions. I hope we can continue to work with the Minister and the Government to deliver on many of the Network North projects we have now seen come forward, because they will make a huge difference, far more than could ever have been realised through HS2.

Question put and agreed to.

Resolved,

That this House has considered Network North and the cancellation of HS2 Phase 2a.

Defined-Benefit Pension Schemes

11 am

Mr Alistair Carmichael (Orkney and Shetland) (LD): I beg to move,

That this House has considered the regulation of defined benefit pension schemes.

After the heat of the debate on High Speed 2 that has just ended, I hope that we might be able to generate a little more light. The subject of defined-benefit pension schemes and their regulation does not always lead to that sort of excitement, important though it undoubtedly is. I suppose that in speaking about defined-benefit pension schemes I should declare an interest. Defined-benefit pension schemes, many of which are of course final salary schemes, were what people like me were part of when we were first elected to serve here. Then, in about 2011 or 2012, I think, we moved to a career average earnings scheme.

The Institute and Faculty of Actuaries, in a briefing provided ahead of today, says:

“This is a particularly broad and complex topic”—a warning that I think we should all be willing to take. I am not much given to dealing with broad and complex topics, especially where hard sums are involved. I always take a fairly simple view of these things, and when it comes to pensions, some things are worth bearing in mind and never losing sight of. The first of those—I will come back to this point in a minute—is that a pension is in effect a matter of contract between an employer and an employee. It is, in other words, simply salary paid at a later stage in the employee’s life. The relevance of that is that when we anticipate changes in the way in which pensions are to be provided, we have to make allowance for the fact that people will have made decisions in their life about how they are going to provide for themselves at a later stage in their life.

Thirty years ago, I was a part of the established civil service. I was a prosecutor, a procurator fiscal depute, working at the Crown Office in Edinburgh. I worked with many talented lawyers who were able to do remarkable things as prosecutors, and most of them would have been able to command much higher salaries had they worked in private practice. They did not do so for a variety of reasons. Some had a particular commitment to prosecution and to public service, but they also had an understanding that as members of the civil service with a final salary scheme, a defined-benefit scheme, they would trade that off against the higher salary that they could have got when they were working. It is worth noting in passing in relation to the BP pension scheme, about which I will speak later, that when BP closed its scheme to new entrants, it compensated for that with a 20% increase in salary for those who were still in employment.

When we anticipate a change, we always recognise that there is a greater importance of maintaining benefits for those who are in a later stage of their career. This is currently coming to my attention and to the attention of many right hon. and hon. Members. Indeed, the Select Committee on Work and Pensions has recently taken an interest in it, because of the experience of pensioners who are beneficiaries of schemes such as BP’s, and Shell’s scheme is another. Although there are differences in the terms of the trust deed for the Shell scheme, the outcome in terms of the beneficiaries is that they are actually in lockstep with each other.

Justin Madders (Ellesmere Port and Neston) (Lab): The right hon. Gentleman will not be surprised to learn that there are many Shell pensioners in my constituency. I have been in correspondence with Shell about its decision last year not to award an inflation-matching increase in the pension, and it told me that it did not have to do that. When it was pointed out that it had given a similar inflation-matching rise to Dutch pensioners, Shell's response was that there are different rules and regulations for managing the Dutch schemes. That highlights the essence of the problem that we are trying to deal with.

Mr Carmichael: It absolutely does. Representing a constituency that had the Sullom Voe oil terminal managed by BP for many years, I suspect that the reasons why the hon. Gentleman has Shell pensioners in his constituency and I have BP pensioners in mine are very similar.

Jim Shannon (Strangford) (DUP): I commend the right hon. Gentleman for bringing forward this debate. It is a critical issue, and it goes beyond the two pensions that he has referred to. Does he agree that the Government—I say this with great respect to them—have had adequate warning that we are heading towards a UK-wide pension crisis if we do not make changes to pension schemes soon? Will he join me in asking the Department for Work and Pensions to begin, today, to take adequate steps to rectify the precarious position we are currently in, on behalf of our constituents?

Mr Carmichael: The hon. Gentleman strikes at the reasons why I brought forward this debate. We might benefit from a wider and longer ventilation of the issues at some later stage, but we have 30 minutes today, so let us use it. I had the opportunity to discuss the issues yesterday with the Minister, and he is alive to the concerns.

When it comes to regulating pensions, and indeed other similar financial provisions, the law of unintended consequences is never far away. The Government are right to be cautious, but they have to be alive to the fact that this is an emerging crisis. What happens to the beneficiaries of the BP and Shell pension schemes today could happen to just about any pensioner the future. As those pension funds come to a point of greater maturity, the concern that we hear from BP, Shell and other pensioners is that decisions are being taken not in relation to their best interests, which is the primary fiduciary duty of the trustees, but because of other concerns. There is a significant number of significant issues for the Government to look at in relation to pension regulation, not least of which is the balance between the companies that have created these pension funds in the first place and the independence of the trustees.

Wendy Chamberlain (North East Fife) (LD): With 60,000 BP pensioners impacted, it is unsurprising that I too have been contacted by constituents. There is a wider debate about the fact that if multinational companies such as BP and Shell are making these decisions, smaller companies will end up making similar decisions if something is not done. My right hon. Friend mentioned appointed trustees. Does he agree that BP has a duty to take the advice of its appointed trustees to prevent real-terms cuts to pensions? Otherwise, what is the point in having trustees at all?

Mr Carmichael: I almost entirely agree with my hon. Friend. The way in which the BP pension fund works is that the trustees have virtually no discretion up to 5%, and then from 5% to 9% there is a discretionary level. In the last year, the BP trustees recommended 9% but the company refused to pay it. I can see that there might be good reasons why a company does not want to be tied to that discretionary level, but there must be a reason for refusing to pay it. As far as I can see, the BP and Shell response has been, “No, we don’t need to give you a reason.” They play off defined benefit against defined contribution; they play off against pensioners in other parts of the world because they are transnational corporations; and they come up with other points.

That is why it is so important that when we talk about this issue, we hold right at the top of our minds that this is a matter of contract between the employer and the employee. If they were still working and receiving this money instead of receiving it as a pension, we would not tolerate it. If it is not a good enough way of dealing with somebody’s salary, it is not a good enough way of dealing with somebody’s pension.

When Nick Coleman from the BP Pensioner Group, who provided me with an invaluable briefing in the last few weeks, gave evidence to the Work and Pensions Committee, he touched on the point about the relationship between the trustees and the company, and the independence of the trustees. He produced something that, frankly, shocked me and shocked Committee members as well. He said:

“We checked the pension fund company’s annual returns to Companies House the other day and found that for the first time ever, they had added some words saying the duty of the directors, among the normal things you would expect, was also to maximise BP’s long-term shareholder value.”

As a trustee, that is a quite remarkable addition to the trust’s purposes, because the fiduciary duty is the duty of utmost good faith to the beneficiaries. If there is a conflict between the beneficiaries and the company, the trustees’ duty is to protect the interests of the beneficiaries. Nick Coleman went on:

“We are saying that the solution here is to somehow reinforce the requirement that trustee boards are demonstrably and fully independent. For example, the majority of members should be demonstrably independent rather than, in our case, the majority being company employees. They also need to be expert. Some of them have only been hired by BP two years ago and they are now trustees of the Pension Fund. They know very little about pensions, whereas they replaced people with 12 years’ experience. Expertise is a very big deal.”

It is pretty clear that these problems and pressures will become more acute. It is widely believed by BP’s beneficiaries that it wants to reduce the level of outgoings from the pension fund so that it will be a more attractive prospect for being hived off, perhaps to an insurance company or others. Such things are legally possible, but it comes back to the relationship between the employer or former employer and the employee or pensioner. If the pension fund is owned and administered by an insurance company, for argument’s sake, where will that relationship be and how will that impact on the outcome for the beneficiaries?

I raised that question in discussion with BP yesterday. Incidentally, BP has eventually come to talk to me about this, but it is still not talking to its pensioners. If BP is to avoid the reputational damage that could come

[Mr Carmichael]

from this, it would be well advised to spend time talking to its pensioners and employees in a meaningful and serious way, which it has failed to do thus far.

The BP pension fund was established 95 years ago. It has 58,000 members and 42,000 pensioners in payment, 30,000 of whom are more than 70 years old. BP closed access to the defined-benefit scheme in 2010 and closed it to new accruals by existing members in 2021. Over the years, however, BP has made significant undertakings to its employees and pensioners, a number of which I have had the benefit of considering. As far back as 1996, there was a *Pensions News* for BP's pensioners, which stated:

"It is important to remember that the BP Scheme guarantees pension increases equivalent to the annual increase in the Retail Prices Index (RPI) up to 5% and the Trustees, with the agreement of the Company have stated that they intend to follow a policy of increasing pensions in line with RPI wherever possible even when this exceeds 5%, so long as the BP Pension Fund has sufficient resources to permit this."

I will come back to the resources question. It continues:

"In times of high inflation, this would be a valuable underpinning to the purchasing power of your pension."

This material was given to BP pensioners then. Underneath those words, the benefits of scheme membership are listed:

"The security of a large well funded arrangement...A pension linked to your earnings at, or close to retirement, part of which can be taken as a lump sum...Guaranteed increases to protect the value of your pension over the years of your retirement".

It was on the basis of undertakings such as those given by BP to its employees that many of them made the decisions they did for their future provision. That is why, when I questioned the Minister on this in the Chamber last month, I said that BP was effectively dealing from the bottom of the pack. I hold very much to that view, which is why I think this House is right to highlight what BP has done. As I said, it could happen to others.

Fast forward to 18 months ago when BP first withheld consent for a pension increase according to the retail prices index: inflation then was at 7.5%, but it agreed to a 5% increase only six months ago when inflation was at 13.4%. The net effect of that was a 11% decrease in the pension value received by the beneficiaries.

The oil industry obviously has a reputation for high salaries, but it is worth bearing in mind that the average pension paid out by the BP pension fund is only £18,000. BP's defence is quite revealing. It has referred me to the funds made available for payment from its Helios fund, which is effectively a lump sum payment of £2,500 for people in receipt of a household income of less than £30,000. Again, we are breaking the link between the former employer, the salary and the pension recipient. Pensions are not charitable hand-outs; this is money that people have earned in the course of their working life.

BP seeks every step of the way to play one group off against the other. It plays the defined-benefit recipients off against the defined-contribution recipients. It says, "We are a multinational company and we have liabilities to pensioners in other parts of the world." It absolutely does, of course, but it pays people different salaries in

different parts of the world. If it pays something during a person's working life, it should be prepared to accept the logic that it should pay that at the end of a person's working life and into retirement.

The funding ratio of the BP pension fund at the moment stands at 132%. If it were to meet the extra 4% this year, the funding ratio would still stand at 129%. There is no reason, from the position of the fund, why that should be regarded as an unsustainable payment, but of course it would make an enormous difference to the beneficiaries—the pensioners themselves.

BP has generally had a well-funded and well-managed pension fund. From 1990 to 2020, it made virtually no extra payments to the pension fund at all. It is worth reflecting on the fact that BP has announced that its new chief executive will be Murray Auchincloss, who, as chief financial officer, was the author of many of these decisions. Mr Auchincloss will enjoy a salary of £1.4 million plus a variety of other benefits in kind. I have not had the time to work out exactly what those other benefits will be, but when BP sacked his predecessor, it clawed back £32 million, never mind what it paid him. It is fair to say that Mr Auchincloss, and probably Mr Looney too, will have to go some way before they are eligible for universal credit.

The final word in this debate should go to the BP pensioners themselves. Some truly heart-rending contributions have been quoted to me. One came from a pensioner who said:

"In the 1990s, BP introduced an option for staff to put 15% of their salary into accruing pension at a faster rate which I did because my wife had no pension of her own. It was not an easy decision as we had just started a family and money was very tight."

The other one that really jumped off the page for me was from a pensioner who had 20 years' service with BP working in IT. They said:

"I am dying from cancer and emphysema, suddenly I am informed by bp that my widow and family will no longer be protected from inflation in the way I had always believed. Now please tell me how you would react if your loved ones came under attack in this way. And how would you feel when the man responsible for this assault is claiming to be a champion of mental health and to care about people?"

That is the human cost of the decisions that BP has taken and continues to take.

BP and Shell are just the canary in the coalmine; what happens to them can happen to others. That is why this is a matter to which the Government must now pay the most urgent attention.

11.19 am

The Parliamentary Under-Secretary of State for Work and Pensions (Paul Maynard): It is a pleasure to serve under your chairmanship, Mr Davies. I am grateful to the right hon. Member for Orkney and Shetland (Mr Carmichael) for securing this debate. We had a good discussion on this matter yesterday, but I hope I can say a bit more today.

First and foremost, I am very pleased that people are showing more interest in pension schemes more generally and the pensions they receive. I always think that we, as a nation, do not show enough interest in our pensions at the right time in our lives. I have heard very clearly the points made about individual schemes. Today I will not talk about specific schemes but will comment in more

general terms about how these pension schemes are supposed to work. I recognise that many people depend on these schemes for their retirement income, but let me talk about the issues more broadly.

I understand the upset caused by schemes when pension scheme members no longer receive the discretionary increases that they had received previously. It is important to stress that legislation does not seek to set out exactly what every scheme must do in every conceivable circumstance; rather, legislation sets out minimum standards for indexation. That does not prevent more generous arrangements, which may be brought into a scheme through its rules or provided on a discretionary basis.

It is quite right that there should be some minimum standards—statutory requirements for DB indexation that all schemes must follow. These requirements are in place for all schemes, and they try to achieve a balance between providing members with some measure of protection against inflation without increasing a scheme's costs beyond what most schemes can generally afford. That is a critical balance to strike.

It is important to provide a measure of protection for members, but we also need to have an eye to the future viability of a scheme, which could be compromised by creating significant additional liabilities. We also have to consider employer affordability. The best possible protection for the members' future benefits is a strong and profitable employer, and we must remember that not all DB schemes are sponsored by monolithic employers with deep pockets. The setting of a statutory minimum is therefore a delicate balance to strike.

Some pension schemes go beyond the legal requirements and do indeed provide more generous indexation. Of course, if higher levels of indexation are set out in scheme rules, those levels of indexation must be paid. The scheme rules set out the pension package that the members have the right to receive.

Mr Carmichael: I agree with most of what the Minister is saying, but there is something more that comes into play here, which is the question of light-touch regulation. Light-touch regulation only works if it is possible to proceed on the basis of good-faith acting by both parties, particularly the companies. Where there is evidence of the lack of good-faith acting, as we have with BP and Shell, is it not necessary to adjust the system to ensure that at the end of the day the beneficiaries are not suffering as a consequence?

Paul Maynard: I note the right hon. Gentleman's point. I am also conscious of time, so I do not think that I will be able to make my entire legal presentation. He very kindly said in his speech that I was alive to the issues, which I hope I can demonstrate towards the end of my speech by setting out where my thinking is moving to.

As the right hon. Gentleman rightly said, the Government's role is to ensure that the fundamental promise of a DB scheme, as set out in its rules, is met. Whether discretionary payments are made must be a matter for the trustees and the sponsoring employer. The Government have no power to intervene to require a scheme to pay an annual increase above that required by the law or to go beyond the rules of the scheme.

It is up to trustees and sponsors to agree how their specific scheme should be run in the best long-term interests of all parties. It would not be appropriate for the Government to interfere in decisions made by individual schemes, beyond setting clear and reasonable minimum standards that apply to all schemes, including through regulation.

Justin Madders: I am grateful to the Minister for giving way; I will just pick up on the point made by the right hon. Member for Orkney and Shetland (Mr Carmichael). This issue is about good faith and promises being kept. If we look not just at the schemes that have been mentioned today but at others—I am thinking of the FOSPEN, the Midland Bank clawback issue, and of course the WASPI women—we see that there is a whole generation of pensioners out there who feel that they have not been delivered what they were entitled to. What kind of message does that send to the pensioners of tomorrow? We really need to toughen up on this, don't we?

Paul Maynard: I agree entirely. Since coming into this job, I met representatives of the Pensions Action Group—an organisation that covers employees of a number of companies that went into liquidation many years ago. Differing rules around indexation have caused very different outcomes for those individuals, so I am very conscious of the issue. I made a point of meeting them because I believe predecessors have not met them; I wanted to make sure that I heard their case and could reflect on it, and I have commissioned further work from officials. They are aware that that is ongoing, and I look forward to hearing what my officials have to say.

Key to the points I have heard in this debate is the role of trustees. No matter whether they are employer-nominated or member-nominated, they have first to comply with the rules of the scheme and, secondly and crucially, to act in what they regard as the best interests of their members now and in the future. That includes investment decisions that they may choose to make. It also includes decisions on indexation. The trustees will sometimes need to make difficult decisions; that is the nature of trusteeship. The needs of different parties, today and in the future, have to be balanced. They have to ensure that funding problems do not emerge in the future. Trustees and sponsors must work together to seek the best way forward, taking account of a whole range of issues including the long-term health of the scheme.

Depending on the circumstances of the scheme, different models of trusteeship may be more or less appropriate. The type of trustee best for appointment to a scheme will depend upon the characteristics of the scheme. The governance and trusteeship of a scheme is best handled by the scheme and its sponsors. They will know better than anyone else what the scheme's long-term future looks like and how best to get there, but trustees, regardless of whether they are appointed by members or by sponsors, do not and cannot act to represent any particular group. There are safeguards, however. The Pensions Regulator has powers to remove and replace trustees with an independent trustee or add an independent trustee to a trustee board should it have concerns about the capability or behaviour of a trustee.

A defined-benefit pension is a promise to pay the person concerned a certain amount of pension income every month in retirement for the rest of their life. That

[Paul Maynard]

means that while the sponsor remains solvent, a person's retirement income cannot decline below a set amount, regardless of the value of the pension fund or the wider economic situation. In addition, a proportion of the DB pension may also be inherited by a spouse after the pension holder's death—again, guaranteed in value for life.

Rights in a defined-benefit pension scheme are extremely valuable and we should be rightly proud that such schemes exist for the bulk of today's pensioners, but ensuring that these rights are protected for all scheme members involves many different parties: trustees, employers, and current and future individual scheme members. The governance of defined-benefit pension schemes must therefore balance the needs of all those different parties. It has to work for today, and in the short and long term. Our priority is to ensure that schemes pay out the full value of the promised pension to each member when it falls due, as set out in the scheme and in line with the relevant legislation. When it comes to indexation, legislation sets out the minimum standard that tries to ensure there is a measure of protection against inflation.

Having listened to the debate today, as well as to other individuals I have met in recent days, it is difficult not to have sympathy with pensioners who have planned on the assumption of receiving certain increases, no matter how discretionary they may be, but then find that their income is not increasing as they had expected or planned on. As much as I can do, I will look closely again at the situation regarding the scheme that I have heard about in this debate—and others that I am sure other Members might have covered had they been able to attend—and try to understand fully what has happened and whether the arrangements currently in place in regulation are working as intended. I will do this by discussing it with the Pensions Regulator in particular.

I will also look at the proposals we made in the autumn statement on improving the quality of trustees. I am not saying that all trustees are awful or anything like that; we have excellent trustees in many pension schemes, but we also have to bear in mind that, as I and the hon. Member for North East Fife (Wendy Chamberlain) said, many large and monolithic employers have a different ability to absorb rapid changes in the pensions landscape compared with much smaller schemes. I do not want smaller schemes pushed into administration under the Pension Protection Fund, which would then lead to reduced pensions for those scheme members. Both must be kept in balance.

I thank the right hon. Member for Orkney and Shetland.

Philip Davies (in the Chair): Order.

Motion lapsed (Standing Order No. 10(6)).

11.30 am

Sitting suspended.

Inheritance Tax

[SIR ROBERT SYMS *in the Chair*]

2.30 pm

Jon Trickett (Hemsworth) (Lab): I beg to move,

That this House has considered inheritance tax.

I am looking forward to your firm guidance from the Chair, Sir Robert. I am grateful to the House authorities for allowing us to have this important debate.

The whole British tax system is skewed in a very odd way. We simply do not tax wealth sufficiently, but we do tax income from work. Income from wealth is relatively untouched by the taxation system, but income from work is taxed and people feel the burden of it. If we were to redesign our whole tax system, I wonder whether that is the way we would structure it. My office wrote a report on this issue three years ago, suggesting a wealth tax. If there were to be a wealth tax, we might well be able to change the way we tax inheritance, but that is not the case; it is not a serious proposal for now, but it is something to think about in the longer term.

It is good to see so many Members here. I begin my reflections on inheritance tax with the following reflection: it is always interesting to look at the language politicians use, especially those from the governing party. When Labour proposes a spending commitment, the Government say that we have found a “magic money tree”. When the Tories find money to spend or give away in tax gifts, suddenly it is “wise”, “prudential” and “management of the economy”. Of course, it is no such thing; it is propaganda.

The right-wing papers are saying that there is some “fiscal headroom” in the Budget—in other words, the Treasury is sloshing around with money. But where has the money come from? It has come from hard-working people who are overtaxed on their income. There might be other ways to fund state services, but it is the working people who have created the additional money in the Treasury. That has been done through a cruel system, which is no longer quite as invisible as it was, called fiscal drag, whereby people's wages and salaries are increasing but the threshold at which they pay tax is being held steady by a Conservative Government who have clearly set out to raise more money from working people. The fact that thresholds are being held steady while wages are rising means that people are paying more as a proportion of their income than they would have done if the thresholds had risen at the same rate.

Mr Ranil Jayawardena (North East Hampshire) (Con): Will the hon. Gentleman give way?

Jon Trickett: There are a lot of Members present, so I will give way only once—twice at the most.

Mr Jayawardena: Given that the hon. Gentleman is concerned about fiscal drag, as am I, would he concede that, given that the £325,000 threshold for inheritance tax has been fixed since 2007, it should be increased in order to avoid fiscal drag?

Jon Trickett: I find that a very interesting intervention. I am not opposed to considering that idea as part of the wider debate, but let me return to the point I was trying to develop.

It looks as though right-wing ideologues in newspapers and elsewhere are hinting that there is a significant amount of money available in the Treasury. Those papers are saying that we should end inheritance tax or perhaps cut it. It would cost £7 billion of the Treasury's reserve of money to abolish inheritance tax completely. I guess that all Members present will have been around their constituencies in the recent Christmas and new year recess, and they will have seen people hungry and living on the streets, schools closed because the concrete problem has not been resolved, hospitals with cruel waiting lists, people unable to heat their homes, and even unfilled potholes.

What we have seen in our own constituencies is true for the whole nation. There are massive pressures on our civil society and the way we live our lives. If we were the Treasury and had £7 billion, would we really want to hand over money to some of the richest people in our society, when all those needs are still there, and when maybe we should be trying to help people on lower pay with some assistance on tax? I don't think so. I do not think it is a rational decision and a proper way to spend money, and nor do the public. In two recent polls, 75% said they were against a cut in or the abolition of inheritance tax.

Mr Jayawardena: Will the hon. Gentleman give way?

Jon Trickett: I said I would give way twice. The right hon. Gentleman has already had one intervention, so I will only take another from somebody else; a lot of people want to speak.

I am sure we are all clear on this, but let us remind ourselves how the system works. One argument that might be made is, "Are you really saying that if you've worked hard all your life and managed to buy a house, your descendants can't inherit that house?" Well, the rules are quite clear. It is not as people might imagine, because a person is allowed half a million pounds with no inheritance tax on the house value. With a couple, however—whether they are married or in a civil partnership—the partner left behind after the other has died inherits the house with no tax; we all know that. When the second person in the marriage or civil partnership dies, the first person's £500,000 is accumulated to the second person's £500,000, so that is effectively £1 million per house. Nobody in a couple who owns a house in that particular way would pay any inheritance tax on the house, so it is a specious and false argument to say that inheritance tax would somehow deprive people of their houses.

Look at the figures. In Yorkshire, only one in 300 properties is worth more than £1 million. All the rest are worth substantially less. In the whole of Yorkshire, there are 7,500 households worth more than £1 million. Across the whole country—of 60-odd million people—there are 700,000 properties worth more than £1 million. It is important to put that on the record, before we go any further into the debate.

If someone leaves more than £1 million, they may well be required to pay inheritance tax. Let me deal with what actually happens, based on figures provided by the *Financial Times*, which are based on Treasury figures.

If someone leaves an estate worth more than £5 million, they will find that the amount of money they pay in inheritance tax declines. The people between £1 million and £5 million are probably paying 40%—unless they have made certain arrangements—but the really wealthy estates above £5 million, where the power and wealth in our society resides, pay less and less tax the more wealthy they are. Hon. Members can see the graphs; they are freely available on the internet. The richest estates in our country pay virtually nothing at all in inheritance tax. Can that really be right? I do not believe it is morally justifiable.

I do not want to name too many very wealthy people, but let me name one, because it has been in the newspapers. The Duke of Westminster, one of the richest men in the country, inherited well over £6 billion—I think, nearly £7 billion—through various trusts and other arrangements, but according to the right-wing newspapers—the *Daily Mail*, *Daily Express* and others—the estates more or less avoided any form of tax at all. How can it possibly be right that that kind of wealth should be handed on, while people who work hard and have maybe managed to accumulate more than £1 million in their lifetimes are paying 40% tax on the residual amount they arrive at?

In Scotland—I have no doubt my hon. Friend the Member for Glasgow East (David Linden) from the SNP may well mention this—500 families own half of all the land. That is barely touched through the way we deal with inheritance. I do not think that is justifiable, when the half the land of a whole nation is held by 500 families.

I discovered something quite extraordinary in my constituency while researching this issue. I will not name anyone, because this case has not been in the papers. There is an estate of more than 3,000 acres in my area, with 5,000 acres elsewhere and a further 3,000 somewhere else. That large estate, in place since the 16th century, has been barely touched by any form of inheritance or wealth tax over the centuries. That estate remains in place. What is extraordinary is that there is an agreement between the Treasury and the people who leave these large estates that if they cannot pay the inheritance tax, they can donate a work of art. I will be interested to hear the Minister defend that.

It was extraordinary to find that the owners of that property in my constituency avoided inheritance tax on one of the largest estates in the country, which has been left untouched for four centuries, because they were able to gift to the nation a bookshelf—okay, it was a valuable bookshelf. That bookshelf was given in place of paying inheritance tax. How can that possibly be correct?

What is even more extraordinary is: where is that bookshelf now? It is in the very stately home where that particular family still has some residential rights. Of course, it is available for the public to see if they visit. None the less, it is extraordinary that someone earning £10,000 or £15,000 a year—struggling—is paying bloomin' tax, but a multimillionaire with hundreds of millions of pounds and an estate can avoid tax by handing over a bookshelf that remains in the very house where their family have lived for centuries.

The senior economist at the Institute for Fiscal Studies, which is hardly a hotbed of Marxist thinking, said overnight that it is not in favour of changing inheritance

[Jon Trickett]

tax, except to say that we should avoid all of the reliefs and the systems by which people can escape inheritance tax, which makes it unfair and skews the taxation system as a whole. It wants to see the loopholes that some of these richer families use closed. For example, it is possible to put money in a trust. If it is agricultural land that is being farmed, there is no inheritance tax on it. Such estates remain there—a blight on our system and a way of securing the continued existence of the British class system, which has caused so many problems for our country.

Let me turn from the very wealthy to other people who pay inheritance tax. Less than one in 25 people who die leave an estate that is subject to inheritance tax; that is under 4%. More than half the constituencies in the country pay no inheritance tax at all, or none that can be measured. That figure is from the *Financial Times*. Ending inheritance tax would not put a single penny into all those constituencies. There would be no benefit to them whatsoever, as far as I can see, from the relief of inheritance tax.

Mr Jayawardena *rose*—

Jon Trickett: No, I will not give way—the right hon. Gentleman will have a chance to speak in a moment.

I want to illustrate what is happening. I think I am right in saying that, if inheritance tax were abolished, it would put £12 million back into the Minister's constituency, which makes £60 million in a five-year Parliament. In all the 42 red wall seats in the north of England, which went from Labour to Tory, that sum is hardly more. All those seats together would raise £15 million a year in inheritance tax. Abolishing inheritance tax would put a fraction of the amount of wealth in our country back into those constituencies, and then only into the hands of the richest in our society.

Peter Gibson (Darlington) (Con): Will the hon. Member give way?

Jon Trickett: I will give way, but briefly, because I want to make progress.

Peter Gibson: I am grateful to the hon. Gentleman for giving way. I am following his logic about money staying in a constituency where inheritance tax falls, but that presupposes that all beneficiaries of that deceased's estate live and reside in that constituency, which is not the case. Beneficiaries often live throughout the country.

Jon Trickett: The hon. Gentleman raises an important issue, because I think there is £800 billion of wealth in our country that nobody—not even the Treasury—knows the owners of. That is a colossal, unimaginable amount of untaxed wealth, which has simply disappeared because the Treasury cannot find out who owns it. It is true that people can reside in one place and own property in another, but I am talking about someone's place of residence when they died.

Let me remind Members of the figures, because I do not want to lose the argument. In all of the red wall seats that Labour lost to the Tories, £15 million in inheritance tax was paid; only in three of those seats did anyone pay any inheritance tax. However, in the 42 blue

wall seats that I have looked at, £1.5 billion was paid in inheritance tax. So in Tory seats in the south and south-east, and to some extent in London, £1.5 billion was paid, while only £15 million was paid in all of the so-called northern red wall. That is a completely extraordinary set of figures.

I think Ministers and right-wing commentators really fail to understand the way in which our society is structured, with the inequalities and all the other problems that we face on a daily basis. If it were to happen, the abolition of inheritance tax would be one of the largest shifts of wealth that has ever taken place under any Chancellor, certainly in recent history. I have been in Parliament for 28 years and I do not remember anything as large. Here is the central point: this is not a fiscal strategy, and it is not about justice, or fairness, or responding to what the people of the country want. It is a political strategy to move money into those areas where the Tories are now extremely worried that they are going to lose their seats. This is about pumping money into blue wall seats. It is a political strategy rather than a fiscal one.

That is where we are. The Government think that they can bung people, whether with contracts or honours or by putting money back into the pockets of the richest people in our society, in order to secure their own continuance in office. But the British people do not like this stuff. It is grossly unfair and it should not be happening. I hope that the Minister can say, “Well, we might have had a look at it, but we're not going to do it, because—you're correct—it would be unfair.”

2.47 pm

Peter Gibson (Darlington) (Con): It is a pleasure to serve under your chairmanship, Sir Robert, and I congratulate the hon. Member for Hemsworth (Jon Trickett) on securing this important debate.

As a practising solicitor—I draw the House's attention to my entry in the Register of Members' Financial Interests—it was common for me to provide advice to clients while they were planning for later life. While I was drafting wills and preparing powers of attorney, the dreaded subject of inheritance tax often came up. It is indeed a much-feared tax and a real motivator for many people to consider estate planning.

As house values have increased, many more families who never before would have considered themselves to be wealthy are brought into the scope of inheritance tax. For many, however, through proper planning and structures, it can be very much avoided. Indeed, it is often said that inheritance tax is a voluntary levy paid by those who distrust their heirs more than they dislike the Inland Revenue. As a Conservative, I believe that families should be able to keep as much of their money as possible and, ultimately, I would like to see the complete abolition of inheritance tax, when the time is right.

I only have a very short speech; I really only have one suggestion to put to the Minister. A number of years ago, additional nil-rate bands were introduced to enable a joint estate to leave up to £1 million free of inheritance tax. However, that privilege only extends to those who have children, either naturally or by adoption. It seems unfair that those who have children can be given a significant tax advantage that does not benefit those

who either do not choose to have children or are unable to have children. To my mind, a much fairer approach would be to equalise the inheritance tax threshold at £500,000 for everyone, enabling even childless couples to leave an estate of up to £1 million free of tax.

Mr Jayawardena: I thank my hon. Friend for what he has said. Does he agree that by doing those sorts of things—lifting thresholds, taking people out of fiscal drag and giving more people the opportunity to benefit from a nil-rate band—we would actually be able to grow the economy? As the Swedish equivalent of the CBI has said,

“if you abolish a stupid tax that is complicated and forces wealthy people to leave the country”—

or, by extension, reduce the amount that people pay—

“you get more tax revenue... That is the Swedish experience.”

Peter Gibson: I completely agree with my right hon. Friend. We know that when we reduce a tax, the effect has the potential to cascade throughout families—and throughout the country, because not all beneficiaries of estates necessarily live in the constituency where the house that is left behind is situated.

I will conclude on that point. Will the Minister respond specifically to my point about the equalisation of rates for all individuals?

Sir Robert Syms (in the Chair): Thank you for the short speech. If we stick to about five minutes each, I think that we will get everybody in.

2.51 pm

Grahame Morris (Easington) (Lab): It is a pleasure to serve under your chairmanship, Sir Robert. I congratulate my hon. Friend the Member for Hemsworth (Jon Trickett) on securing the debate, which is an opportunity for us as Members of Parliament to think about the sort of society that we wish to create. It is interesting that Conservative Members intervened on my hon. Friend to talk about raising thresholds, fairness and so on. I say to any of my constituents who have tuned into the debate: let us not lose sight of the fact that currently only 5% of people pay inheritance tax. That means that 95% do not pay it. If we are talking about fairness and the type of society that we want to create, we should look at the implications of either abolishing or providing further concessions to those currently liable for inheritance tax.

I know that this debate is narrowly defined. On previous occasions, I have asked whether we are serious about providing additional support for ordinary working people—not the 5%, but the 95%. Why are we not considering a proportional property tax to replace council tax? That would boost the income of every household in Easington on average by more than £750 per year, not 5%. There are levers that can be pulled, and that one would be revenue neutral. It would not involve levying any additional taxes; it would be a simple matter of applying a proportional property tax at a fixed percentage of the value of a property.

Peter Gibson: I am grateful to the hon. Gentleman, who I consider a friend, for giving way. I am interested in his points on a proportional property tax. We know

from research that northern constituencies like ours would benefit significantly from that. Does Labour propose to include it in its manifesto?

Grahame Morris: Regrettably, at this point, no. As the hon. Gentleman is well aware, I am not a Front-Bench spokesperson for the Opposition. Irrespective of which political party grasps this nettle, it will bring enormous electoral dividends. There have been academic studies about the benefits of a proportional property tax. My constituency, the hon. Gentleman's constituency of Darlington and virtually every constituency in the north and the midlands would be better off. *[Interruption.]* I apologise, Sir Robert: we are talking about inheritance tax. I was tempted off the subject—it was my own fault, and I am sorry.

The fundamental question is: are we going to champion equality, fairness and social justice, or are we going to perpetuate wealth inequality? Are we a democracy or a plutocracy? The current system is already generous. As my hon. Friend the Member for Hemsworth said, it allows £325,000 to be passed on tax free, and where a child or grandchild inherits an estate including a home, the threshold is £500,000. Above those thresholds, a 40% tax rate is applied, which means that a £1 million estate would pass on £800,000 to the beneficiaries.

As my hon. Friend indicated, there is chronic tax avoidance. In 2016, the Duke of Westminster inherited a huge estate that estimates suggest was worth about £9 billion. Reasonably, the Exchequer would anticipate a tax liability of about £3.5 billion at 40%, but sadly, by employing tax avoidance, using very clever lawyers and getting the best advice on trust laws, the aristocracy and the richest in our society regularly avoid paying their fair share of tax. We should be outraged at that. I suspect that in other countries there would be riots and demonstrations, but that is not our way.

Part of the problem is that the issues are not aired objectively through the mainstream media. This abuse of privilege not only entrenches economic inequality but places a larger tax burden on the vast majority—the 95% who do not inherit large family assets and are struggling in this cost of living crisis with stagnating wages and the highest tax burden in modern history. Tory plans to cut inheritance tax will not help my constituents. Instead of funding tax cuts for the richest on the backs of the poor, the Government should be looking to close the inheritance tax loopholes exploited by the wealthiest.

The sixth Duke of Westminster, Gerald Grosvenor, who passed away in 2016, outlined his advice to entrepreneurs on how to be successful. He was speaking at some sort of conference or event, and he suggested that the best way was to have an ancestor who was good friends with William the Conqueror. As with many tongue-in-cheek comments, there is a grain of truth in that advice.

Inheritance tax is meant to address widening inequality in society by taxing those with the greatest assets. However, wealth and privilege are entrenched in this country. Elite schools dominate our politics: we have had Prime Ministers from Winchester and Eton. The majority of our leaders went to elite universities. Perhaps I should correct that by saying “a single elite university”, since 13 out of 17 post-war Prime Ministers—more than 75%—attended Oxford University. Given that our

[Grahame Morris]

leaders are entrenched in wealth and privilege, we should not be surprised that the Conservative party seeks to maintain a status quo that sustains that existence. Our society is dysfunctional when the richest 50 families in the UK have more wealth than half the population. Just think about that: they have more wealth than 33.5 million people. Recent analysis by Ben Tippet and Rafael Wildauer from the University of Greenwich found that if the wealth of the super-rich continues to grow at the current rate, by 2035—not too far away—the wealth of the richest 200 families in the UK will be larger than the whole of the UK's GDP.

There is immense wealth in our society. Most people do not realise that there is sufficient wealth in society to address the range of economic, social and investment challenges that we face. The accumulation of wealth, concentrated in the hands of a few, is detrimental to a fair society. Those with immense wealth are not using it for the good of society. My constituency—no surprise here, Sir Robert—is devoid of benevolent billionaires; I wish we had a few. I am not a believer in trickle-down economics. However, my constituents look to the Government to create an economy and society that uses the wealth that they have generated to improve the quality of life for all. That is a task that this Government are failing to deliver on, not through neglect but through a deliberate policy that entrenches and expands pre-existing economic inequalities.

3 pm

Ian Lavery (Wansbeck) (Lab): It is a pleasure to serve under your chairmanship, Sir Robert. I thank my hon. Friend the Member for Hemsworth (Jon Trickett) for bringing this debate to this Chamber; it has been interesting to listen to the contributions that have been made. My hon. Friend the Member for Easington (Grahame Morris) gave some alarming statistics about widening inequalities. He spoke about the entrenched wealth and privilege that is rampant in this country.

I am not surprised that, at this stage in this Conservative Government, the Tories are looking to halve or abolish inheritance tax. Is it a pre-election giveaway? Is it red meat for the blue wall areas? Is it red meat for the rich? I think so, I really do. The impact of halving or getting rid of inheritance tax will fall upon only one section of society, and that is the less well-off. The richest people are where this policy is focused. The richest people in society will benefit from the abolition of inheritance tax.

As my hon. Friend the Member for Hemsworth said, if we get rid of inheritance tax, we are talking about a loss to the Treasury of £7 billion. What could any MP in this debate do with £7 billion in their constituency? How many hospitals could we build nationally for £7 billion? Forget about repairing schools; how many could we build with £7 billion? How many youth clubs could be built with £7 billion? It could be used to look after ordinary people, in ordinary communities. Seven billion pounds—it is a lot of money to lose.

Inheritance tax has a long history. Contrary to what many people believe, it is not a modern tax created by crazy lefties. The first tax on the administration of a deceased person's estate was the probate duty imposed by the Stamp Act of 1664. The roots of the modern version of inheritance tax can be traced to the estate

duty created by Chancellor William Harcourt's Budget of 1894. There has long been an acceptance that, when the wealthiest in our society die, the transfer of their wealth should not benefit only their heirs—as has already been said, they have done nothing at all to earn that wealth. Part of that wealth should also benefit communities and the country as a whole.

Inheritance tax is paid on estates worth more than £325,000. I think each speaker has mentioned this—forgive me for repeating it, but it is important—but if the main residence of the deceased is left to a descendant child, the value of that home is not included in the value of the estate and, when the entire estate is left to a spouse, no inheritance tax is paid.

Very few people pay this tax. In the tax year 2022-23, 3.73% of estates paid inheritance tax—3.73%—and only 1.9% of those estates that had to pay inheritance tax were in the north-east of England.

Jon Trickett: Out of the 29 constituencies in the north-east of England, only three paid a penny of inheritance tax in that last tax year. Does my hon. Friend think that cutting inheritance tax will put massive amounts of additional resources into his region?

Ian Lavery: I will come on to that, but as ever, my hon. Friend makes an extremely important point.

After Northern Ireland, the north-east of England pays the least, but have a guess where 42% of the estates that attract inheritance tax are located—have a guess, Sir Robert. They are here in London and the south-east—the blue areas. *[Interruption.]* I am sorry; if the hon. Member for Broadland (Jerome Mayhew) wants to intervene, I am happy to accept an intervention. Does he want to intervene?

Jerome Mayhew *indicated dissent.*

Ian Lavery: He is chuntering away, so I just wondered whether he wanted to come in.

It is amazing how inheritance tax can be avoided. The biggest exemption, of course, is the nil rate on leaving everything to a spouse. Other exemptions include transfers to qualifying charities or registered clubs, and lifetime gifts given within seven years before death—this one is interesting: wealthy grandparents use it as tax relief on paying their grandchildren's private school fees. Another exemption is business property relief, which allows no inheritance to be paid on the transfer on death of shares in a business that is not quoted on the stock exchange. Many of those shares are in valuable family firms. Agricultural land also often passes tax-free. Debts owed by the deceased can be deducted from the tax bill.

Peter Gibson: Will the hon. Gentleman give way?

Ian Lavery: I will in a minute.

This one is absolutely unreal: the largest landowner in Northumberland donated a painting in lieu of tax. In 2015, the largest landowner in Northumberland avoided a £2.8 million inheritance tax bill by leaving a Van Dyck to the Bowes Museum. In that family's property—it is not a terraced house, you know—they now have one less picture hanging on the wall for his heirs, but there is also almost £3 million less that could have gone to help poorer families in my constituency. I divvent care what anybody thinks; that's not fair, man. It is not fair at all.

It is unreal to think that the wealthiest can avoid inheritance tax by giving a painting instead. How many people who have personal tax issues can say, “Look, if I give you a book, is that all right?” Of course it is not all right, man. It is one rule for the rich and another for ordinary working people who work hard and pay their taxes.

Peter Gibson: I am grateful to the hon. Gentleman for giving way. I particularly wanted to intervene when he was talking about business and agricultural property relief. Does he agree that the survival of many farms and family businesses relies on the fact that they are not taxed at the point of death?

Ian Lavery: I would not dispute that that is the case.

But let me get back to the political issue. This is pure politics. It is simple: it is about red meat. The Conservatives, through the press, support the myth that abolishing inheritance tax will somehow have an impact on ordinary people in communities because some people have their own houses. I have already explained that very few working-class people in communities right across the country will actually be impacted if we continue with this. Leaving properties to children, especially in areas with high property values such as London, makes a huge difference.

This will benefit wealthy people in electorally vulnerable blue wall seats. Seventy-five per cent of the top 60 seats in which inheritance tax has been paid are held by Conservative MPs, mostly here in the south. It will help the families of the wealthy Conservatives, such as the Prime Minister. That is why I oppose this measure. Inheritance tax is a means of lessening inequalities and mitigates against gross amounts of unearned wealth going to the children of the wealthy—children who did absolutely nothing to create that wealth. Most of the money saved from cutting or abolishing the tax will go to benefit wealthy areas in the south. It will do nothing to help people in Wansbeck, Hemsworth, Easington or Coventry—nothing at all. There would be less money for their health, less money for their education and less investment in the infrastructure that all the areas I have mentioned badly need. Our social mobility statistics in Wansbeck are some of the lowest in England, but instead of doing something to increase my constituents’ life prospects, the Conservatives are spending their time planning on how to give more money to the already wealthy.

The few very rich families in Northumberland, with all their large agricultural assets, pay less inheritance tax than they should now, while thousands are still using food banks and claiming benefits just to survive. Instead of cutting or abolishing inheritance tax, the rate should be increased and the exemptions eliminated to help to alleviate the current obscene gap between the rich and the poor. Public services are in tatters and councils are going bust left, right and centre. Taxing those who can afford it most is one means of alleviating the horrendous damage that this Government are doing to the social fabric of communities like mine up and down the UK.

3.12 pm

Zarah Sultana (Coventry South) (Lab): It is a pleasure to serve under your chairmanship, Sir Robert. I congratulate my hon. Friend the Member for Hemsworth (Jon Trickett) on securing this important debate.

For the vast majority, the past few years have been a time of unprecedented economic pain. Bills have rocketed, the supermarket shop is getting more and more expensive and, for so many, keeping their houses warm is unaffordable. Families are struggling to keep a roof over their heads and food on the table. Constituents in Coventry South and across the country are having to choose between heating and eating. The Office for Budget Responsibility says it is the biggest hit to living standards since records began. Yet while it is a cost of living crisis for many, things have never been so good for the wealthy few.

In the past decade, Britain’s billionaires have seen their wealth go up threefold. It now stands at £684 billion. The 50 richest families in the UK have more wealth than the bottom half of the population. As I have said many times before, the problem is not that there is not enough wealth in this country; it is that the super-rich have hoarded all the wealth.

That brings me to today’s topic. While the majority are struggling like never before, the wealthy few have never had it so good. It is reported that the Conservative Government want to introduce a tax cut that would overwhelmingly benefit the very richest. Roughly 5% of deaths result in inheritance tax being paid, and according to the Institute for Fiscal Studies, abolishing this tax would hand the richest 1% of estates more than £1 million each. Another study found that it would disproportionately help people in Conservative-held constituencies, particularly in the south-east and London. It is therefore little surprise why that is the tax Tories want to slash, in a move that would cost the public purse almost £15 billion by 2030.

Slashing taxes for the richest and squeezing incomes for the rest is the opposite of what we should be doing, but there is another way to go about it. We could tax the richest and fund our schools and hospitals. An annual wealth tax of just 1.5% on assets over £10 million, for example, would raise about £12 billion a year. Equalising capital gains tax with income tax rates would raise another £15 billion a year. Introducing a windfall tax on bank profits could raise £20 billion in a year—I hope the Minister is making notes; these are good suggestions. Ending the nom-dom tax break for the super-rich would raise a further £3 billion. That is money that could be invested in our communities, reversing Tory austerity and rebuilding our crumbling services. This failed Tory Government have failed to do this and will not do it for the remainder their time, but it must be the mission of the next Labour Government.

3.16 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to serve under your chairship, Sir Robert. I first thank the hon. Member for Hemsworth (Jon Trickett) for securing this debate and giving us all the chance to participate. It is no secret that my politics are left of centre, and I very much have a social conscience about these things, but I have to say honestly to Opposition Members that perhaps it is time we disagree. Hopefully, they can appreciate my point of view, which I will explain. The hon. Member for Darlington (Peter Gibson) made it very clear in his contribution where he stands, and that is where I also stand. Opposition Members always have been and always will be good friends of mine, but I am on a different page to theirs on this one.

[*Jim Shannon*]

I welcome the opportunity today to make a strong case for why inheritance tax should be abolished in the United Kingdom of Great Britain and Northern Ireland. Inheritance tax is a levy imposed on the estates of people when they die, and I believe it is one of the most unfair taxes in existence. That is my opinion, and I hope others will respect it. Inheritance tax punishes a lifetime of hard work, discourages saving and creates inequality. It goes against the very principles of meritocracy, aspiration and family, and I believe it needs to go.

I will tell a story, and it is not because I want to boast in any way. My dad will be dead nine years this March, and when my mummy and daddy got married, he started with £5. My dad was very talented; he was very good with his hands and he could turn them to anything. He fixed a cartwheel and sold it for £5, and that £5 got mum and dad married—my mum is 92, by the way, so this was a long time ago. My point is that dad then progressed, through four or five shops, from western Tyrone right through to Ballywalter, Millisle, Newtownards and back down to where we now have farm. I can tell hon. Members that mum and dad got that farm through hard work, through the sweat of their brow, and through their efforts to try and do something, starting with £5. That story is gospel truth, and perhaps it illustrates where I come from. I think it is about working hard and having a hard-working ethic.

I say this with great respect to Opposition Members, because I know that they have a work ethic as well—it is not about that. I just want to explain that my dad did what he did, and got to where he was, through those efforts. My father is now dead and gone, but that effort has been replicated by hundreds of thousands of people across this great United Kingdom of Great Britain and Northern Ireland. I believe we must address the fundamental principles that underpin our economic system. The accumulation of personal wealth through hard work, dedication and innovation is the basis of a thriving economy. In its current form, inheritance tax undermines that very principle by placing a significant burden on individuals who wish to pass on their accumulated assets to their loved ones.

I am not sure when I will pass away—it may be soon or it may be some time away, but whenever it is, I am ready to go, and I know where I am going—but I will wish to pass on what I have to my three boys. My will has already been made and that decision is done, because that is what I have worked hard for over all these years. Abolishing inheritance tax would allow families to retain the fruits of their hard labour, enabling the transfer of their hard-earned property from one generation to the next without any undue interference from the state.

I come from a farming background. I live in the farmhouse on my farm, and I will quote the old saying, “A father farms for his sons” or his daughters. A father does so in order to pass to the next generation a work ethic and whatever has rightly been earned from that work. If there is one reason to work hard and save wisely, surely it is doing so for one’s own family. I believe that inheritance tax punishes people, and many hundreds of thousands of others have the same opinion.

Inheritance tax is ineffective and inefficient. It raises a small amount of revenue for the Government but imposes a high administrative and compliance burden

on taxpayers and their families. According to the Institute for Fiscal Studies, inheritance tax currently raises £7 billion per annum and will reach some £15 billion by 2032–33. However, that is only 0.5% of GDP, and it comes at the cost of complex rules, loopholes and avoidance schemes.

My mum and dad had a clear work ethic. I remember my mum taking me down to Northern Bank with £10 when I was 16, so that I could open a bank account. I am still with the bank, having received a £10 contribution from my mum to get me started. She instilled in me and my family a willingness to save for what we want and for what we need to get for our houses on so on.

Inheritance tax distorts economic behaviour, as it discourages people from saving and investing. Instead, it encourages them to spend or give away their possessions before they die, which I think is not entirely correct. Critics argue that abolishing inheritance tax may increase wealth inequality, but I do not believe that. It is essential to recognise that the tax affects not only the wealthy but many middle-class families, who may be asset rich but cash poor. That is the way I see it. In the area where I live, most families are middle class, and they express the same concerns that I am expressing today on their behalf.

Forcing families to liquidate assets to pay inheritance tax can result in the sale of family businesses or properties, leading to economic instability and job losses. Abolishing the tax would protect family-owned enterprises and allow for the preservation of businesses that contribute to local communities. Inheritance tax is unfair and inequitable. It hits people with different levels of wealth and different types of assets in different ways. The very wealthy effectively pay a lower rate of tax than the moderately wealthy, as they can use trusts, gifts and other legal devices to reduce their liability. I understand that and, to be fair, the hon. Member for Hemsworth referred to it earlier. I cannot say that people are abusing the system because, by its very nature, the system lets people find loopholes.

Inheritance tax violates the principle of double taxation, because it taxes people on income or savings on which they have already paid tax during their lifetime. They have already paid tax, and then they have to pay it again. That is not right. Inheritance tax also violates the principle of autonomy, as it restricts a person’s freedom to dispose of their property as they wish—the freedom to give what they own to their children or grandchildren, or to a charity.

I honestly see the tax as wholly un-British because it goes against the values of the British people who have traditionally believed in rewarding hard work, supporting family and achieving social mobility for the next generation. That is what I believe in my heart. We should always work to make the next generation better off than the previous one. That is why I have a social conscience. I am not saying that nobody else has a social conscience, but that is why my politics lie left of centre. I will always fight for the wee man and the wee woman to make sure that they have rights.

However, I cannot go along with what was proposed in the debate. Inheritance tax is consistently rated as the most hated tax in the country. There is a strong public demand for its abolition. I have no idea what the Minister will say, but if he says that inheritance tax will be abolished, I will cheer and I suspect the hon. Member for Darlington will do likewise. There might be others

of the same opinion. It is 330 years since its inception in 1694—a long time to have a tax in place. There have been many changes in how we look at things today and differences in wealth dispersion, not just among those who are very wealthy but among the middle classes. My daddy and mum started off with £5 when they got married.

It is time to re-evaluate the tax. It seems to penalise success and undermine the family. I am a great believer in the family being the core of society. It is time to respect the wishes of the people who have worked hard to earn what they have and let them decide how to use it for the benefit of themselves and their loved ones.

3.26 pm

David Linden (Glasgow East) (SNP): It is, as ever, a great pleasure to serve under your chairmanship, Sir Robert. I thank the hon. Member for Hemsworth (Jon Trickett) for securing the debate, which has been quite informative and good-mannered. I pay tribute to my colleague and comrade, the right hon. Member for North East Hampshire (Mr Jayawarden), who I am sure was here to advocate a 5% inheritance tax.

I also pay tribute to the hon. Members for Darlington (Peter Gibson), for Easington (Grahame Morris), for Wansbeck (Ian Lavery), for Coventry South (Zarah Sultana) and for Strangford (Jim Shannon). It is not often that I disagree with the hon. Member for Strangford. He knows that I hold him in high esteem. But to gently push back on his argument, I suggest that perhaps his parents started with only £5 because of the inequality that exists. Perhaps if inheritance tax was properly in place, his parents might have had more money.

Jim Shannon: Perhaps I did not make my point in the right way. My mum and dad started with £5. They worked hard, developed all those shops and the farm that they owned through hard work and effort. What I am trying to say—I hope I can convey it in a sensible way—is that with that hard work ethic they made their £5 go far. It is like the story in the Bible of the 10 talents. They got 10 talents and a whole lot more.

David Linden: I appreciate that. Anyone watching this debate will know that, given how we are debating this, some of which is based on Bible principles, this is just something that we will disagree on. I none the less appreciate how the hon. Member put his point and I respect it.

I have listened with great interest to the points made by Members today. As we approach the spring Budget, I suspect it will not be the last fiscal event of the year if we are heading for an autumn election. As with last year's autumn statement, I am sure that the issue of inheritance tax—we got to the crux of this with the contributions from the hon. Members for Darlington and for North East Hampshire—or more specifically the issue of scrapping inheritance tax, will feature heavily in the debate leading up to the Chancellor's announcement this spring.

As we debate this issue it is important to be cautious and take stock of who this debate favours and at what cost. Who are the winners and losers? I appreciate that, in the cosy consensus of Westminster, talking about the royal family is not often appreciated, but there is an elephant in the room here: there is no inheritance tax for the royal family. Indeed, recently, the King, following

his mother's passing away, benefited enormously from inheriting the Duchy of Lancaster, and his son benefited enormously from inheriting the Duchy of Cornwall. Neither of them paid any inheritance tax—we are talking about hundreds of millions of pounds being inherited by the King and the Prince of Wales, and not a single penny of inheritance tax being paid on that. I am at risk of upsetting either the Clerk or you, Sir Robert, so I will not make any more comment on that, but simply leave it on the record that my constituents and I find the situation deeply unacceptable.

Just last week, I stood in this Chamber outlining the dire situation that people currently face as a result of the cost of living crisis—a crisis that shows no real signs of improving any time soon. As I go around my constituency of Glasgow East and people talk, quite rightly, about the impact of the cost of living crisis and the upcoming Budget, not a single constituent who has spoken to me in person, emailed me or come to my surgeries has said, “Do you know what, David? The biggest solution to the cost of living crisis is to abolish inheritance tax.”

I suspect that if we challenge people on the issue of polling and go out there—whether to Westminster tube station, Hemsworth or Worcestershire—abolishing inheritance tax will be so low down in people's priorities. That is why, in the midst of this cost of living crisis, debating whether to scrap inheritance tax—which less than 5% of people pay, despite bringing in nearly £7 billion to His Majesty's Revenue and Customs—seems ludicrous. Against the backdrop of a British Government intent on bringing forward draconian measures to force ill and disabled people into work in order to balance the books, it is ludicrous that they are floating the idea of scrapping an inheritance tax that is paid by only the wealthiest households on these islands.

However, the British Government's commitment to reducing taxes for the most well-off is a timely reminder of just how out of touch they are. As people struggle to turn on the heating this week in -4° conditions, it is simply absurd that the British Government should be even considering getting rid of a tax that goes at least some way, albeit a very small way, to alleviating the entrenched wealth inequality that is so prevalent in our society. The UK has one of the highest levels of income inequality in Europe, so scrapping or even reducing inheritance tax only deepens further the chasm of inequality that no modern or fair society should have.

Fuelling speculation around the scrapping of inheritance tax, the Chancellor has previously stated:

“I think that inheritance tax is a pernicious tax because one of the main reasons people invest is because they want to pass on savings to their children”.

Inheritance is an emotive subject of debate. It makes us consider life after we are no longer here and what that may look like for the generations after us. This is where my friend the hon. Member for Strangford and I entirely agree: we both know where we are going after we have been here, because of our belief in Jesus. I also happen to believe that people should not have a removal van or a bank van following them to their grave, but that is a separate issue.

As a parent myself, I understand the logic of wanting to be able to provide for our children, even from beyond the grave, but here is why I take that statement and the Chancellor's line of argument with a degree of incredulity.

[David Linden]

I recently—in fact, only yesterday—spoke with Daniella Jenkins, a senior lecturer at the University of Bristol, who made an important point about recognising the existing inequality of intergenerational wealth. Like the hon. Member for Darlington, the Chancellor made a sweeping statement without giving any consideration to what I would argue are the huge disparities in intergenerational wealth that exist across these islands.

Pre-existing parental wealth is often overlooked in this debate. It is worth noting that while some children are set to inherit from their parents, some stand to inherit absolutely nothing, either because they do not have any parents or because their parents themselves face dire levels of income inequality, meaning that they will have little to leave behind. Sadly, that issue is probably more the case in constituencies such as mine, Glasgow East; I respectfully suggest that perhaps that is why I bring to the debate a different view from that of my friends on the Conservative Benches.

Although the Chancellor frames his argument around the desire to transfer wealth to children, we cannot escape the fact that the national trends across the population show that parental wealth is very, very unequally distributed. We should also remember that the value of wealth being passed on has also increased over time. If that cycle continued, it would only further entrench wealth inequality among millennial children and younger children, because—frankly—the difference between having rich parents or poor parents is now shaping what economic resources are available to children. That is why it is so important that the discussion about inheritance is centred on fairness and equality.

In Scotland, the issue of taxation has been under intense scrutiny over the last few months, following the Scottish Government's latest reforms to their progressive tax framework. Only today the Prime Minister spoke about Scotland being the highest-taxed part of the United Kingdom. I am afraid that is not something that keeps me awake at night. As a higher earner, I am quite happy to pay more tax, because the tax that I pay goes towards the education that my children receive at the local school; the tax that I pay goes towards the salary of my mother, who works in the national health service. As a higher earner, I have no issue whatever with paying more tax, although I know that view is not shared widely in this place.

Although the Scottish Government currently have no ability to introduce measures related to income tax, within their income tax framework they have been able to create a progressive tax system conducive to a fair and more prosperous Scotland. With the limited powers that they have, the Scottish Government have ensured that the tax and social security system is progressive and equitable, so that everybody in Scotland—regardless of their background—has the opportunity to thrive. It is within those guiding principles that progressive policies have resulted in Scottish households, particularly in the lower half of the income distribution bracket, being £400 better off a year than they would be in other parts of the UK.

While we are faced with these elevated levels of income inequality, scrapping or reducing inheritance tax would simply deepen and perpetuate the existing

disparity. If the British Government are determined to make an already deeply unfair inheritance tax system more unfair, the only conclusion that I can draw is that they must transfer the necessary powers to legislate on inheritance tax to the Scottish Parliament, either through the means of further devolution or—my desired option—independence. Only then will Scotland be able to build a comprehensive and progressive tax system that puts fairness and equality at the centre, representing the values of a modern and equitable society and not those of a Westminster system that frankly does not have the confidence of the people of Scotland.

3.37 pm

James Murray (Ealing North) (Lab/Co-op): It is a pleasure to speak in this debate with you as the Chair, Sir Robert.

I begin by congratulating my hon. Friend the Member for Hemsworth (Jon Trickett) on securing this debate. I am pleased to respond to it on behalf of the Opposition, following the contributions of Members from right across the House, including those of my hon. Friends the Members for Easington (Grahame Morris), for Wansbeck (Ian Lavery) and for Coventry South (Zarah Sultana).

Any debate about tax in this country must begin by recognising that under the Conservatives the tax burden is set to be the highest since the second world war. We have seen 25 tax rises in this Parliament alone and the decisions taken by this Government will leave the average family £1,200 worse off. No wonder the Prime Minister and the Chancellor are feeling pressure to cut taxes. However, the problem for them is that the average family will still be £1,200 worse off even after the recent national insurance cuts. Indeed, the Conservatives have put up taxes so much that there is now nothing they can do to repair the damage they have done to the economy and to family finances.

The truth is that the personal tax rises introduced by this Government will far outweigh any relief arising from their recent change to national insurance. Even taking this year in isolation, many of those on lower incomes will see their taxes rise. Consequently, with a general election approaching, we can expect the Conservatives to get more and more desperate, and—frankly—more and more reckless, in what they are prepared to throw at holding on to power. The Opposition will always stand with working people; that is why we have made it clear that we want the tax burden on working people to come down. We are also always clear that, unlike what we have seen from the Conservatives during this Parliament, we will always set out exactly how we would pay for any tax cuts.

As the 6 March Budget approaches, we are again beginning to hear rumours that the Prime Minister and Chancellor are considering abolishing inheritance tax, as they feel growing pressure to assuage their Back Benchers and members. All parents have a natural desire to pass on to their children what they have worked hard for in life, but the truth is that an inheritance tax cut would benefit only the top few per cent. of estates. In the middle of a cost of living crisis, when families across Britain are struggling and our public services are on their knees, that cannot be the right priority.

According to figures from HMRC, in 2020-21 only 3.7% of estates paid inheritance tax, while the Institute for Fiscal Studies suggests that the cost of abolishing the tax would be £7 billion. The IFS also notes that about half the benefit of abolishing inheritance tax would go to those with estates of £2.1 million or more, who make up the top 1% of estates and would benefit by £1.1 million on average. Given the state of public finances and services, that simply cannot be justified as a priority when taxes for working people are already so high and set to keep rising.

Peter Gibson: I am very interested to hear what the hon. Gentleman has to say about hard-working families. Will he outline how much those hard-working families would be hit by his party's plans to borrow an extra £28 billion each and every year?

James Murray: I thank the hon. Member for his intervention, but, as we have set out, all our plans are within our fiscal rules. Frankly, that was the hon. Member's attempt to distract from the fact that he is a member of a party presiding over a Parliament that has put up taxes 25 times and is on track to have the highest tax burden since the second world war. There is simply no getting away from that record and from the burden that his party has increased on working people during this Parliament.

Peter Gibson: I am grateful to the hon. Gentleman for giving way again; he is being incredibly generous with his time. I am incredibly proud of my party and the track record of what it has delivered for our country over the past few years: the incredible support given throughout covid and to working families up and down the country through the cost of living crisis.

James Murray: Frankly, I think that an increasing number of people across Britain would disagree. The one question that they are going to be asking themselves as we approach the next general election is: am I and my family any better off than we were 14 years ago? Is anything working better or in a better state in this country than it was 14 years ago? The answer to that question is a resounding no.

Peter Gibson *rose—*

James Murray: I see the hon. Gentleman gesturing, but I have given way twice; I am going to make a bit of progress before taking any more interventions.

We are not concerned just that inheritance tax would be the wrong priority; we are also concerned about the damage that the Government might do to our economy if the tax cut were unfunded. People across Britain will remember the chaos unleashed by the disastrous mini Budget, when the previous Prime Minister and Chancellor promised irresponsible unfunded tax cuts for the wealthiest. I ask the Minister: how would the Government pay for the £7 billion abolition of inheritance tax that it appears they are briefing the media about?

Which of our public services would see their funding reduced? What other taxes would the Government expect to increase? What investment in our future would they plan to cut and how much more do they want to push up debt? I would welcome it if the Minister were upfront

about what the Government are considering. If they are not considering abolishing inheritance tax, they should say so now.

Perhaps, though, it is unfair to ask the Minister to be clear about what the Government are thinking, as the Prime Minister and Chancellor may, in all honesty, not know what to do. The Conservatives need to call an election in the next 12 months and they know that they are out of options when it comes to what to say. After 14 years of Conservative government, public services have been run into the ground, the economy has stagnated and the tax burden is set to be at its highest in generations. Yet what we hear from their briefings to the media is speculation that they want to cut inheritance tax—something that would benefit the top 4%, while taxes on working people keep rising. That is the wrong priority when both public and household finances are so stretched.

What the country needs is a Labour Government with fiscal responsibility at their heart and a plan to reform public services while growing the economy. That is the way to make people across Britain better off.

3.44 pm

The Financial Secretary to the Treasury (Nigel Huddleston): It is a pleasure to serve under your chairmanship, Sir Robert. I join others in congratulating the hon. Member for Hemsworth (Jon Trickett) on securing this debate. I also welcome the participation of other colleagues, in particular my hon. Friend the Member for Darlington (Peter Gibson), the hon. Member for Easington (Grahame Morris), my right hon. Friend the Member for North East Hampshire (Mr Jayawardena), the hon. Members for Wansbeck (Ian Lavery), for Coventry South (Zarah Sultana) and for Strangford (Jim Shannon) and my opposite numbers.

We have had a wide-ranging debate. Everybody knows, and the Government certainly recognise, that individuals do work hard to build up assets over their lives, and it is a very human instinct to want to pass that on to their loved ones, when they pass away. Yes, there has recently been a great deal of speculation in the media and on Opposition Benches about potential future changes to inheritance tax.

I am sorry to disappoint hon. Members and colleagues, although they will not be surprised to hear that I am not going to announce Government policy here today. The Budget is on 6 March, when the Chancellor of the Exchequer will set out any changes to the tax system in the normal way. There is a great deal of speculation and it would be inappropriate for me to comment.

David Linden: Could the Minister confirm something for us? We hear the argument all the time that Ministers will not speculate and that the announcement will be made in the Budget. The blunt reality, however, is that, whether it is speeches at the Conservative party conference, op-eds in *The Sun* newspaper, or cosy sit-downs with political journalists, the Government do comment on what they are doing before the Budget, do they not?

Nigel Huddleston: The hon. Member will be aware from his own party and the Opposition that there is a wide range of views within parties on policy. I am not going to speculate on tax policy. We always keep tax policy under review and always welcome insights, evidence,

[*Nigel Huddleston*]

information and views when developing tax policy, as do the Scottish Government. We have heard a wide variety of views today. As I said, announcements will be made at the appropriate time and place.

Peter Gibson: Does this not clearly illustrate the distinction between those of us on this side of the House who would love to see inheritance tax reduced and ultimately abolished, and those Members on the other side who only want to tax working people more?

Nigel Huddleston: My hon. Friend makes an important point. We saw that in the recent autumn statement with the national insurance cuts. Our instinct and wish as Conservatives is to lower taxes, wherever appropriate and possible. We are also responsible with public finances and recognise that every single penny of Government spending is paid for through taxation, either immediately or in the future as deferred taxation—that is, borrowing money. We need to, and do, respect every single penny, because it is the public's money, not Government money, that we are spending. Taxation is an important issue, and I am glad we are talking about it today. I am confident that it will be a major topic in the run-up to the election.

The Government support wealth creation but also understand the importance of ensuring that wealthy individuals make a fair contribution and pay tax appropriately. We do not have a specific wealth tax, as some other countries do, but if we look at the facts, it is clear that the Government do tax wealth, in a number of ways that generate substantial revenue, while remaining fair. For example, OBR forecasts for 2023-24 indicate that we can expect inheritance tax revenues of about £7.6 billion, capital gains tax revenues of £16.5 billion and stamp duty tax revenues of about £13 billion.

We also have a progressive income tax system, so that the top 5% of income taxpayers pay about half of all income tax. The top 1% is projected to pay about 28% of all income tax. It is also important to stress that in 2010, under the previous Labour Government, the top 5% accounted for 43% of income tax and the top 1% for 25%. Therefore, the system under the Conservatives is more progressive.

Grahame Morris: The Minister is putting forward an interesting proposition about progressive policies and taxation. Has he had a chance to consider whether council tax is a progressive form of taxation, when a millionaire, living in a £20 million property in Belgravia, very close to this place, pays less in council tax than my mother in a terraced colliery house worth about £50,000 in Murton?

Nigel Huddleston: The hon. Member needs to recognise that tax needs to be taken in the round. There is a variety of taxations—on income, wealth and other areas. Taxation is a broad topic, and individual taxes affect people differently. The hon. Member for Glasgow East (David Linden) made the point about inequality as well, but it is important to remember that, on average, households in the lowest income decile receive over four times more in public spending than they pay in tax. Nobody doubts the importance of a progressive tax system; my point

was that the Opposition often try to make out that the tax system was more progressive under them, but it was not. The facts make that incredibly clear.

Grahame Morris: Will the Minister give way?

Nigel Huddleston: If the hon. Member will give me a moment to proceed, I will allow him to come in later, because I have other points to make in response to some of his comments.

Inheritance tax is a wealth transfer tax and applies to the estate of the deceased. Transfers made in the seven years before death are also taken into account. The estates of all individuals benefit from a £325,000 nil-rate band, and the targeted residence nil-rate band is a further £175,000 available to those passing on a qualifying residence on death to their direct descendants such as children and grandchildren. That means that qualifying estates can pass on up to £500,000, but the qualifying estate of a surviving spouse or civil partner can pass on up to £1 million without an inheritance tax liability. That is because any unused nil-rate band or residence nil-rate band is transferable to a surviving spouse or civil partner.

Peter Gibson: Could the Minister specifically address the point I made about the inherent unfairness to those who do not or are unable to have children, in respect of the nil-rate band that applies to them?

Nigel Huddleston: I thank my hon. Friend for his comments. Again, I cannot make any promises today, but I understand the important point he is making about the nil rate. Changes have been made over the years in that area, and I will come on to that point later.

The vast majority of estates pay no inheritance tax. The combination of nil-rate bands, exemptions and reliefs mean that only 5.1% of UK deaths are forecast to result in an inheritance tax liability in 2023-24. That is forecast to increase slightly to 6.3% in 2028-29: it is still a relatively small number, but it makes an important contribution to the public finances. It is forecast to raise £7.6 billion in 2023-24 and £9.9 billion in 2028-29. That revenue is important because it is spent on a whole variety of public services, levelling up and many other areas of Government policy.

The headline rate of inheritance tax is 40% but, as the hon. Member for Wansbeck acknowledged, a 36% rate is charged when at least 10% of the net estate is left to charity. That is an important point of this system as well. It is important to remember that the rate is charged on the part of the estate that is above the threshold and after the application of reliefs and exemptions.

The Government have made changes since 2010 that have increased the threshold to £1 million, made the system fairer and reduced administrative burdens. For example, in 2017 the Government introduced the residence nil-rate band, mentioned by my hon. Friend the Member for Darlington, to make it easier to pass on the family home to the next generation, but we restricted the residence nil-rate band for the wealthiest by tapering it away for estates over £2 million. More recently, we made changes so that for deaths from January 2022, over 90% of non-paying estates each tax year no longer need to complete inheritance tax forms when probate or confirmation is required. At the same time, we have

tightened the rules to make sure that individuals make a fair contribution and pay the tax owed. For example, in 2017 we introduced new rules to limit abuses of the rules by people with non-domicile status who used complicated structures to make their UK homes look like offshore assets.

Several hon. Members talked about loopholes and avoidance. It is important to distinguish between the legitimate use of reliefs and those who engage in avoidance by bending the rules to gain a tax advantage that Parliament and none of us ever intended. It is not true that the wealthiest do not pay inheritance tax: national statistics for the tax year 2020-21 show that taxpaying estates valued at over £1 million accounted for 81% of the total inheritance liability.

David Linden: If it is not true that the wealthiest do not pay inheritance tax, can the Minister tell us how much the King paid upon inheriting the Duchy of Lancaster?

Nigel Huddleston: As I said, estates valued at over £1 million paid 81% of all inheritance tax.

I am aware of the time, and I need to leave a minute or two at the end for the wind-up, but I want to make a final point. We have had a very good discussion about inheritance tax, but we have had an inkling of the differences between the political parties. I am afraid that some Opposition Members started to delve into the politics of envy, which is a well-trodden path for the Labour party, by commenting on elitism, Oxford University and so on. Well, I can tell them that I went to Oxford, and that my Labour-voting trade unionist father, my mum, who worked on the tills at Asda, and the schoolteachers at my comprehensive, instead of being snide about the opportunities and aspiration that I had, actually applauded and supported social mobility. That is what we on the Conservative Benches do. It is disappointing to hear the tone of the Opposition.

The hon. Member for Ealing North, in another well-trodden argument, started trying to lecture us on responsible finances. We still have not had an answer to the question of where the £28 billion of spending promised by the Opposition would come from. We are more than happy to debate the issue, because we have a very clear plan for the economy: we had the very welcome and well-received national insurance cut at the autumn statement, which I do not believe the hon. Member opposed, and nor did he oppose the significant support that we gave during covid or the significant support that we have given

households during the cost of living crisis. That all needs to be paid for, which is why we have higher taxes than we would like. But we are on a path to reducing them, because that is what Conservatives do. I thank hon. Members for their contributions; all their comments have been taken on board.

Sir Robert Syms (in the Chair): I call Jon Trickett to make a brief winding-up speech.

3.57 pm

Jon Trickett: I will be very brief. “The politics of envy”—talk about predictable. What we have actually heard from Government Members is a politics of wealth, privilege and greed. We have a tax system that simply reinforces the gross inequalities in our society, as we have heard from almost every Member, including the hon. Member for Strangford (Jim Shannon) and a couple of Members on the Government Benches. We have a system that is grossly unequal, deeply unfair and unjust, and the system of so-called inheritance tax reinforces all that. The Minister has refused to deny that the Government are looking at inheritance tax. We look forward to the announcement on 6 March, and we hope that the Government will listen to the points that we have made.

The Minister did not respond to the two central points that I was trying to make. First, inheritance tax is paid by a tiny minority of people who are based largely in Conservative-voting seats; that tells us exactly what fears are in the bellies of the Ministers who are trying to pump money into Tory areas to try to protect their majorities. It will not work. Secondly, to respond to the hon. Member for Strangford, who is no longer in his place, this issue is about the big estates. It is not about somebody who has built wealth through hard work with their hands; it is about entrenched estates that have been there for centuries, right back to the Domesday Book—estates that the Minister’s party protects and that presumably fund his party, too.

Let me finish with the words of a man who was alive at the time of Christ, the philosopher Seneca: “A kingdom founded on injustice will not survive”. This year, whenever the election is, we will see what exactly will happen to the kingdom of injustice that the Conservatives have created.

Question put and agreed to.

Resolved,

That this House has considered inheritance tax.

Morecambe Town Council Precepts

4 pm

David Morris (Morecambe and Lunesdale) (Con): I beg to move,

That this House has considered Morecambe Town Council precepts.

This debate is of huge current importance to my constituents. An immense parish council tax rise has been inflicted on them. Last year, it was reported to have risen by 231%—this is a parish council—which is believed to be the highest such increase in Britain last year, bearing in mind that the base precept for this town council increased by 66% in 2021-22 and 50% in 2022-23. I think I got that right.

Last year, the town's parish council voted to increase the precept for Morecambe residents, which saw the town council's share of council tax rise by an unprecedented 231%. The council raised £1 million to set up a community fund in the hope that that £1 million would be ringfenced to buy a parcel of land on the site of Frontierland, a former funfair. The land is already owned by the taxpayer. It is owned by Lancaster City Council, which purchased it for a reported £3 million. The land is not for sale, so it is highly unlikely in any event that it would be undersold. This is double taxation, plain and simple.

It has also been reported that Morecambe Town Council has already spent £48,000 on engaging architects for plans on the site, which is not for sale. That has also now been lost. The town council made a shocking U-turn in July 2023 after my last speech on this issue in mid-April last year. It decided to withdraw its expression of interest on the eyesore—the site of the former wild west-style theme park Frontierland—but the £1 million fund remains in its coffers.

The town council did not carry out a referendum; it carried out an afternoon stall survey on the local prom. It cannot be verified whether any local people were present. The following is from the town council: some 65 respondents, the highest bracket, were willing to give £100, followed by 55 respondents at £50, and 35 respondents at £10. Some 100 respondents were willing to give amounts that ranged between £2 and, in one case, £15,000, which was obviously someone having a laugh at the ludicrous proposals. That is 255 people, if the figure is even true and if they were local people.

I therefore decided to write to every household in the Morecambe Town Council area to ask whether they supported the increase and whether they were ever aware that the increase took place. The rate of return was staggering. Over a quarter of the people of Morecambe responded—26.8%, some 3,919 people—which shows my constituents' strength of feeling on this issue. I asked people whether they were aware of the rise before their bill hit them: 3% of respondents said yes, and 97% said no.

This is just a snapshot of what they said:

"The whole situation appears ludicrous to me, and I hope you will do all in your power to reverse what has happened";

"I support regeneration and development, but the timing of the increase, the amount and the lack of notification has taken the decision out of our hands";

"I cannot believe they took money without consulting first";

"What right do they have to make that decision on my behalf? It is hard enough paying Council Tax as a single pensioner as it is, and I hope that this extra money we have paid will be reimbursed";

"I have no idea of how this has happened. Yes, I want my money back thank you";

"It is terrible. No other provider can increase charges by such unopposed."

That is just a snapshot of some of the photocopies I have of that survey.

I have been asking questions in Parliament about whether the 231% tax rise through the council tax precept last year for residents of Morecambe was lawful. Originally, councillors could be surcharged under the Audit Commission Act 1998 if the rise was deemed unlawful, but that was repealed, and responsibility for councillors' misconduct now lies with the standards board and the adjudication panel. That seems toothless to me.

Last year, the town council was taken to court for non-payment of its auditor, and that was upheld—the auditor won. No one knows how much the legal bill cost taxpayers in Morecambe. Indeed, the town council recently released a statement saying that

"during the past two years the council has received challenges to its end of year audit",

which caused

"substantial delays to the conclusion of the audit, and significantly increased the workload of officers, resulting in a backlog of day-to-day work".

In plain English, their ineptitude led to more spending.

Last night, my local radio station released an update on the town council's proposed figures, so I have only had the past few hours to scrutinise them, but they are woefully damning. The town council is now proposing to shift the £1 million community action fund into council reserves, which I believe it will use to borrow against increasing council tax further, using £150,000 towards cutting the council tax precept. The town council suggests a 33% reduction in the council tax precept, compared with last year—in effect giving back what appears to be one third of a massive increase in Morecambe taxpayers' 2023-24 bills.

To be perfectly clear, I have no political interest in Morecambe Town Council. The Conservatives do not field candidates to it because it has historically been mired in controversy and accusations of financial impropriety. I do not receive a bill from the town council because thankfully I live one street outside the catchment area. I very rarely get involved in local politics, but I cannot be quiet on this issue.

To be fair, the Morecambe Bay Independents party, which made great gains in Morecambe town's parish council elections last May, sweeping out some of the decision makers responsible for this embarrassing debacle, proposed giving back the money. The advice it received from Lancaster City Council, which collects the council tax, is that there is no mechanism for refunding the money, and an alternative mechanism must be sought. The biggest issue is whether the council can give the money back. I am not sure that it can, but if the Minister can signal whether any mechanisms are available to town councils to refund council tax, I would be very grateful, as would my constituents.

The Labour party, which chairs the town council, says that party policy is to freeze council tax. Well, examples begin at home. It has continually spanked the taxpayers of Morecambe with annual increases in council tax, including last year's 231% tax rise and another

massive rise this year. That contradicts the national council tax policy. What will Labour members say to justify that to my community when knocking on doors in Morecambe? Bear in mind that the council raises money directly from the local taxpayer, and there is no Government involvement, so the old chestnut of Government cuts will simply not wash.

The Liberal Democrats also co-chair the council. The leader of the town council last year wrote an open letter to me, which was naturally released to the press before I received it, stating:

“The Town Council street rangers along with dedicated volunteers of Morecambe Liberal Democrats, have now taken over the weeding service (funded by Lancashire County Council for the next 5 years) for the whole District”—

not just Morecambe. So the taxpayers of Morecambe are now subsidising the weeding service of the whole of Lancaster. That is hundreds of square miles outside Morecambe. It gets £63,295.67 from the county, but has spent £80,000 on equipment and £30,680 on casual staff—a loss of £48,385, or thereabouts.

The letter also challenges me:

“So I ask you Mr Morris, do you expect our street rangers, weeding service and events organisers”—

which I have found out cost £225,000—

“to provide their services for free”?

I expect value for money, and so does my community. Perhaps the Minister can ask for a list of who works at Morecambe Town Council in those and other categories, and whether they are politically aligned. Nobody seems to know, but if they are, this is potentially political parties being funded by the taxpayer, which is a potential electoral offence.

Having a special community action fund of £1 million last year, as I explained, on top of the precept itself is a clear breach of the precept rules. In plain speak, it is only supposed to be raised against a current service capacity of service provided. In this case, that has been expanded, with empire building on top of the running costs, which have come to a large amount, and a million quid on top of that. I challenge the town council to demonstrate to my community how it provides value for money when Morecambe now pays for the weeding service for literally hundreds of square miles outside the parameters of Morecambe.

Let us look at the town council’s budget: £1,000,195.70 was carried forward from last year. The general reserve for 2024-25 is £850,195.70, and £150,000 was used to bring down the precept by the amount of the proposed new council tax bill. Here is the real issue: the predicted expenditure is over £1 million—it is £1,164,680. Those are mind-blowing amounts. That is what they are spending, but the budgeted income is £63,295—and 67p, to be pedantic. The council tax precept is £951,384.33 from the taxpayer. That is a loss of £150,003—mind-blowing. It equates to a loss of—I have lost track of all the figures. It is just completely off the Richter scale. In reality, the council is giving back £150,000 to the taxpayer, lowering the council tax bill and losing an extra £150,000. That is not value for money. It serves only those who run to serve themselves on the council—not the taxpayer.

I am sorry if I seem a bit flustered, Sir Robert, but you can imagine that, with the figures I have had to go through, it has been extremely challenging, not only for me but for my community. I ask the Minister whether

we can, ideally, freeze the council tax at the rate from before the 2023-24 hike—which was very high at that time—so that the whole £1 million can be paid back to Morecambe residents. I urge the town council to stop empire building at the expense of Morecambe residents. I had assurances of a meeting to discuss the matter with the Prime Minister a few months ago, and I will be petitioning Parliament with nearly 4,000 responses and concerns from my constituents very soon.

I want to know what the Government are going to do to stop my community being ripped off, and to stop Morecambe Town Council’s behaviour of hiking parish council tax, which is testing the system to destruction. Are there any plans to cap the rate at which parish councils can increase their precept without requiring a referendum? If Morecambe Town Council had carried out a referendum, it would not have been able to do this in the first place. Given that the whole community is against it, why did the council do it? I have also called for an investigation into parish councils by the external auditor, PKF Littlejohn. However, I fear it has no teeth to act—so what are the Government going to do to help with this matter?

There has been considerable media interest in this issue from the national and local media. We in this House must act in any capacity we have to stop this excuse for raising public funding from my community in Morecambe, seemingly to no benefit whatsoever, except to serve those who run the council. I apologise for being emotive about this, but it is a very serious issue for my community.

4.13 pm

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Simon Hoare): It is a pleasure to serve under your chairmanship, Sir Robert. I will not begin my speech in the usual way, because it was announced in the last quarter of an hour or so that my very long-standing friend, the Member for Rochdale, Sir Tony Lloyd, has passed away. As, I think, the first Minister on his feet following that news, on behalf of the Government I want to extend to his very many friends, to his colleagues across the House and, of course, to his family our very deepest sympathy and condolences on Sir Tony’s final loss of the battle against a cancer that dominated his life for the last 12 months.

I thank my hon. Friend the Member for Morecambe and Lunesdale (David Morris) for raising this important issue and for the way in which he has done it—with his customary thoughtfulness and attention to detail. Given that I have known him for eight and a half years, I would expect nothing less, and we heard it again this afternoon.

The backdrop to the debate is the increase in all the costs that families up and down the land face as a result of inflationary and other pressures, which have come to be known collectively as cost of living pressures. I am always keen to remind local government of its role in delivering important services to communities. The total burden of council tax—regardless of whether that includes a town or parish council precept, or is set by a district council—is used to pay for social care, police and so on, all of which comes to a considerable sum for very many people. Councils should always take into account its broader impact.

[*Simon Hoare*]

My hon. Friend has set out a scene in his town of Morecambe that certainly causes me concern. In broad terms, he raises several issues with regard to the overall governance of town and parish councils. We are very hot on governance with regard to this place, and very hot on governance issues when it comes to upper-tier authorities, boroughs and districts; historically, because town and parish councillors do not receive remuneration for their service, they are slightly off the grid. I have been considering the situation with representative bodies of the town and parish councils. He has given me food for thought, and I shall continue my deliberations.

My hon. Friend also raises a question to which I am afraid I do not have the answer, but I shall seek it back at the Department and, if he will allow me, write to him about the use of a precept for works outside the jurisdiction that is raising the precept as part of the council tax bill. I shall check on that and seek advice. Also, I do not believe that when a precept is raised by the considerable level that my hon. Friend has told the House about this afternoon, it can be used, by sleight of hand, to—I do not use this term in a pejorative sense—fill the coffers of a higher tax authority. The precept is the precept, as I understand it, and that precept belongs to the raising body, which in this case is Morecambe Town Council. I do not think that it can be transferred—that a vast sum of money raised for a specific reason in a one-off increase could suddenly be transposed into Lancaster City Council or Lancashire County Council's budgets. I do not think that can be done, but I will check on that and revert on that point to my hon. Friend.

My hon. Friend has set out an issue of concern, but I would like to take this opportunity to acknowledge the work of the almost 9,000 town and parish councils across England, and the work that councillors do free, gratis and for nothing to improve the quality of life and wellbeing of their communities and to help create and maintain places where people are proud to live. They are often the unsung heroes of our local government family. They are close to the communities they serve, they know them and they play a vital role.

As my hon. Friend will be aware, council tax is set by local authorities, including town and parish councils, which will decide what level of council tax they need to raise, taking into account their individual circumstances. As he will know, the Government set referendum principles each year for principal authorities, to ensure that where they set excessive increases, they must be approved by local voters through a referendum, the rules of which are clearly set out. Those referendum principles strike a balance between giving councils flexibility to raise council tax to meet spending pressures without overburdening council tax payers.

For 2024-25, the Government have consulted on continuing our approach of not applying referendum principles to town and parish councils. That carve-out comes with a clear expectation that town and parish councils will take all available steps to mitigate the need for council tax increases, and that the Government will see clear evidence of that restraint. We would also expect authorities to take the resources that they already have available into account before setting increases.

None of that precludes a town or parish council raising money for a specific purpose. I can remember having served as a parish councillor in Oxfordshire. We had a one-off increase of some considerable percentage points to buy a parcel of land that had become available in order to extend a graveyard in the village. It was a one-off chance to do it and we grasped it. We consulted the village community, they saw the benefit of it, and that is what we did. We are not seeking to preclude or clamp down on initiatives by town and parish councils to help make their towns or parishes better.

The point that my hon. Friend has raised, as I understand the mathematics of it, is that last year Morecambe Town Council set a precept increase of £105.14 on the band D bill, which represents a fairly significant rise of 231% on the previous year. That was for the purpose of buying an asset, which my hon. Friend has advised was not on the market; whether it was on the market or not, however, the council has pulled away from that and decided not to buy it.

The question, therefore, has to be: what happens to the precept that the good burghers or Morecambe have paid, which is now sitting, at least notionally, on the balance sheet of Morecambe Town Council? Well, my hunch would be that, if it is not able to pay it back—I think that trying to work out each household's bill and whether the person who paid the precept is still in the house, as they may have died or moved, could be extremely onerous administratively and possibly counterproductive—it does not take huge genius to think that one could bank that money and explain that the town council precept would be frozen to the point of zero, until that exceptional nest egg accrued from that large 231% increase had been spent.

David Morris: The precept was raised last year by a certain amount, but then there was the special amount as well; in other words, there were two precepts. That is what happened, and the £1 million precept has just been set to one side and carried forward this year. There was an increase in the precept itself, which is very hard to explain because it has all been mixed together, but there was a separate precept for this £1 million to buy the land that was not for sale.

Simon Hoare: I am grateful to my hon. Friend for that clarification. I think, given the fact that there now appears to have been two precept streams, one of which could be described as an extraordinary precept for a specific purpose, I would certainly be suggesting to Morecambe Town Council that the precept there—the element of the precept for the 2024-25 council tax year—be frozen to zero, because clearly it has significant resources still in the coffers. I will also tell my hon. Friend that I shall be writing to the town clerk of Morecambe Town Council to get a much clearer picture of the history of this activity and of what the council is proposing to do with what anybody would describe as a fairly large slug of money sitting in the accounts which was raised for a specific purpose that has become obsolete because the opportunity to purchase has been changed.

This case speaks to an important point about transparency and accountability. It is so important to ensure that all of our councils, irrespective of the level they are operating at, are accountable—principally and primarily accountable to their electorates and the communities they serve. There is no greater need for

transparency than in the use of income raised from council tax. Town and parish councils must comply with the requirements of transparency legislation, just like the principal authorities. I highlight to my hon. Friend the local government transparency code 2015, which requires all local authorities with annual income or expenditure exceeding £200,000 to publish all payments exceeding £500 in value and all payments made via a government procurement card. It is also mandatory for parish councils with sufficient turnover to meet the requirements of the code. Of course, where there are concerns, we would recommend that the authority is contacted directly in the first instance. I know my hon. Friend has bent over backwards to try to secure some clarity regarding the numbers at hand.

We support, champion and applaud the work that town and parish councils do up and down the land. When setting council tax and precept, we expect the sector to show restraint and to be able to justify increases to those they expect to pay it. We reserve the right to introduce referenda principles for them should they breach that restraint. Our 2016 consultation on the topic made that position clear, as does our stipulation in the recent consultation on the provisional settlement. The Government and I will keep this under review, and action will be taken if necessary.

We believe that our current approach is the right one, but we are always open to change when or if the canon of evidence persuades us that that is the right thing to do. My hon. Friend the Member for Morecambe and Lunesdale has, if I may put it in these terms, shone a light on a rather cloudy story—one that requires further investigation. As I say, I shall revert to my hon. Friend on the two technical points. I shall contact the clerk of the town council with some degree of urgency—certainly before the precepts are set and the council tax bills are issued—to try to finally get to the bottom of this issue, which has clearly concerned my hon. Friend to the extent that he has raised this with the Prime Minister and also here this afternoon. It is also clearly causing much distress and concern to the many residents who have the great luck to live in Morecambe, but who are not so lucky to pay such an enormous town council precept.

Question put and agreed to.

4.26 pm

Sitting suspended.

Public Sector Pay 2024-25

4.30 pm

Beth Winter (Cynon Valley) (Lab): : I beg to move,

That this House has considered the public sector pay round for financial year 2024-25.

It is a pleasure to serve under your chairmanship, Sir Robert.

I start today by putting on the record my condolences, which I am sure everybody here will echo, to the family and friends of our dear comrade Tony Lloyd, the Member for Rochdale, after it was just announced—in the last hour or so—that he has very sadly passed away. He was a wonderful parliamentarian. I got to know him a bit and he was very caring, kind and supportive, and I am sure that other Members will have other stories that they wish to share. He was also a strong advocate on behalf of public sector workers. His loss is a very sad one for us.

I will move on to the subject of the debate. I am very pleased to have secured it and to have so many colleagues join me to discuss the process for setting public sector pay for 2024-25. I am also pleased that we are able to do so very early on in the process, because this is a vital issue.

How we pay our 6 million public sector workers, who deliver essential public services, must be taken seriously. Today, the Prime Minister talked up real wages rising for the fifth month in a row, but what he did not refer to is the fact that real wages had fallen for the previous 18 months in a row. That is because the real issue is that the past two years have seen a significant fall in the real-terms value of public sector pay, which has been part of 14 years of brutal real-terms pay reductions that have driven down living standards for working people.

I will use this debate to focus on three points. First, I will set out the need for greater transparency, representation and independence of pay review bodies, while acknowledging the support within the trade union movement for greater collective bargaining arrangements. Secondly, I will make it clear that this year's pay settlement must deliver at least an inflation-proof pay rise to ensure that it does not worsen the cost of living crisis. Thirdly, after more than a decade of real-terms pay decline for public sector workers under the Tories, I will set out the need for Government to commit to the principle of pay restoration.

To begin, I will comment on the letter that was sent to pay review body chairs to initiate the latest pay round before December and I will make some remarks on the pay review body process. In their letter, the Government stated that

“It is vital that the Pay Review Bodies consider the historic nature of the 2023-24 awards and the Government's affordability position that will be set out further in written evidence.”

For me, that statement exposes the lack of independence of the pay review bodies. Why did the Government's letter not say instead that it is vital that the pay review bodies cover the rises in the cost of living and secure staff retention?

The timing of that letter has also been condemned, because 20 December—the date it was sent—was more than a month later than the previous year's remit letters. The schoolteachers' remit letter has been condemned by the main education unions for being circulated a month late.

[Beth Winter]

NASUWT said the letter was a stunt that will delay publication of recommendations before the general election, while the National Education Union said that it showed contempt for the teaching profession.

With regard to the NHS letter, Unison said that the Secretary of State for Health and Social Care must hold proper pay talks early this year or risk a repeat of disruption, and the Royal College of Nursing said that the Government

“has not honoured its commitment to improve how the process works.”

Where pay review bodies exist, it is clear that there are serious concerns within the trade union movements about how they function, about their effectiveness at delivering fair pay and, related to that, about their independence from the Government. Significant questions remain about who is appointed to sit on pay review bodies, including who appoints them, what they are appointed to represent, who sets the terms of the review processes and what the terms of those review processes are. I was staggered to find that, of the 44 individuals listed on the register of interests of members of the pay bodies, only two declare themselves to be part of a trade union. Should there not be a minimum employer and employee representation on the pay review bodies, and should there not be consultation with trade unions on representation?

The letters from the Government ask the pay review bodies to consider the Government’s affordability position. This year, the TUC agreed that there is a need for review bodies to ensure that they have greater remits that give better weight to all the evidence presented to them, not just to the short-term affordability of Government.

I hope that the Minister can answer a number of questions, including why the remit letters took over a month to go out, why the remit letters want a report in May of this year rather than April, whether the Government will meet with the trade unions early in the process, as unions have requested, and whether the Government will commit to PRB reform in relation to appointments, terms of reference and multi-year deals.

Secondly, on the importance of inflation-proofed pay rises this year, the Government letters that were issued last month included a reference to the fact that, in 2023-24, the pay review bodies recommended historically high pay awards. The most historic issue to set out with regards to public sector pay, however, is the scale of the fall in value over the past two years. That is compounded; it has been a sustained fall over the past 14 years. Month on month, annual inflation ranged between 6% and 11%. Those were the consumer price index calculations for 2022 and most of 2023. If we were to use the retail price index—there is merit in doing that, and the trade union movement advocate for its use—inflation for the past two years is higher: between 8% and 14% for the past two years. Again, that is before the recent dip. There has been a month-on-month increase in food and beverage prices of between 5% and 20% since 2022, which remains at over 9% in the most recent statistics; if we take that into account as well, then people will inevitably be suffering.

That is why the TUC routinely refers to the longest pay crisis in the past 200 years. Last year, below-inflation pay was delivered by the pay review bodies of between 5% and 7%.

Apsana Begum (Poplar and Limehouse) (Lab): The impact of the staffing crisis in the Department for Work and Pensions is creating an “epidemic of mental ill health”.

That is according to emails received by the Public and Commercial Services Union, which represents civil servants. Does my hon. Friend agree that the situation requires urgent interventions from the Government and that one of those urgent interventions needs to be to raise the pay of the 25% of PCS union members in the DWP who are currently paid below the real living wage?

Beth Winter: I totally agree. The PCS union has produced a number of very comprehensive reports outlining the devastating impact that the cost of living crisis is having on the mental health and wellbeing of its staff. I recommend that the Minister and those on the Benches opposite read those reports.

This comes after a two-year pay freeze between 2011 and 2013 and the four-year pay cap of 1% from 2013 to 2017, which preceded the obliteration of pay awards by inflation over the past two years. The TUC has estimated that the average public sector worker is earning £177 a month less in real terms compared with 2010. That is based on ONS pay statistics. Unison and the NEU have briefed me on the real-terms reduction in the value of wages for their members. Teachers are getting £12,000 less in real terms since 2010; social workers £15,000 less; and paramedics £16,000 less. The key workers that keep this country going are being driven into poverty by this Government. Putting money in workers’ pockets is the way out of the cost of living crisis.

The Governor of the Bank of England repeatedly warned last year that pay rises were inflationary, but provided no evidence. Some organisations have challenged that statement. For instance, the Institute for Public Policy Research said,

“Tax-funded...public sector pay restoration...is not significantly inflationary”—

again, I recommend that the Government Minister reads the documents. That is why in the past two years we have seen the most significant period of industrial action in 40 years.

The ONS states that over 5 million days of work have been lost to industrial action since the start of the current cost of living crisis. The Government’s response has been not to address the retention and recruitment crisis, but to curtail trade union freedoms by bringing in the Strikes (Minimum Service Levels) Act 2023. In Wales we have seen junior doctors on strike this week because of public sector pay cuts. Yes, they are administered by the Welsh Government, but the purse strings remain here in Westminster, which is responsible. I joined those junior doctors this week, as I have joined all public sector workers, as have all Labour Members here. Our solidarity remains strong with those workers.

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): I wish to declare an interest as a practising NHS doctor. I gently remind the hon. Lady that it is beholden on the devolved parts of the United Kingdom—Scotland and Wales—to come to their own pay settlements with the trade unions. In Scotland, under the SNP, a settlement was put in place, which averted a strike by doctors. Why does she believe that things are different in Wales, and why could the Welsh Government not have averted a strike had they wished to do so?

Beth Winter: I do not think the situation is different in Wales compared with Scotland. Both devolved nations have been starved of funds from the UK Government over the past 14 years. The Barnett formula does not work and we are owed in excess of £1 billion in Wales—I am sure it is far more in Scotland. I therefore beg to differ.

Hywel Williams (Arfon) (PC): Just to answer that particular point, we are still waiting in Wales for the consequential from the English settlements with junior doctors. Until we know how much money we are getting, it is difficult for us to decide on the rates of pay that we will award.

Beth Winter: I fully agree. I will conclude because I am conscious that lots of people want to speak today.

My final point regards pay restoration. The TUC's position is clear. As agreed by its affiliated unions, it wishes to see a commitment to funding pay increases for public sector workers that at least match inflation. More than that, it wishes to see above inflation pay rises that provide for pay restoration, and the Welsh Government have committed to that if they have the funds to do so.

Richard Burgon (Leeds East) (Lab): My hon. Friend is making an incredibly important speech on the need to pay our public sector workers properly. Does she agree that the crisis in our public services will not and cannot be solved unless the people who work in our public services are paid properly? For example, band 2 NHS staff—including nurses—outside London are paid less than the real living wage. While that continues, how can our public services deliver the kind of service that people across this country need and deserve?

Beth Winter: My hon. Friend makes a very strong point. I wholeheartedly agree. Pay restoration is the right thing to do. Last year's IPPR report argued that restoring pay to 2010 levels would cost an additional £22 billion per year. How would we pay that? By increasing taxes. There was a debate earlier this afternoon on wealth tax. We have the funds to provide pay restoration and above-inflation pay awards if we choose to.

Before I wrap up, I have a few questions. Will the Government please commit to above-inflation pay rises for public sector workers? Will they commit to providing pay restoration over the long term? If not, how can they justify the permanent devaluation of the work carried out by public servants? Thank you very much—diolch yn fawr.

Several hon. Members *rose*—

Sir Robert Syms (in the Chair): Order. I remind hon. Members that they should bob if they wish to be called in the debate. I think they are on about three minutes each.

4.45 pm

Dawn Butler (Brent Central) (Lab): I thank my hon. Friend the Member for Cynon Valley (Beth Winter) for securing this very important debate.

It is interesting, isn't it, that there are people who claim to work in the public interest and can make millions of pounds of profit while the Government do

not bat an eyelid, but public sector workers who have asked for a pay rise in line with inflation are called greedy or unreasonable? ONS figures show that the average public sector worker is earning £177 less a month, in real terms, than in 2010.

This Government consistently and constantly vilify trade unions. Why? Because they are the aspirational vehicle for the working class. I proudly stand on the picket lines to support workers who are fighting for fair pay and better working conditions. It is strange, isn't it, that the Government do not want unions fighting for their members, but are more than okay with creating VIP lanes, through which Ministers can recommend mates and Tory donors, so they can fill their pockets with public cash?

Every day, people are finding it hard to live. In the past two years, workers have faced the steepest rise in the cost of living for more than 40 years. Since 2010, the cost of living has risen by 73.2%, and over the past year, mortgage interest rates have risen by 48.5%. The Resolution Foundation says that annual repayments for those who are re-mortgaging are set to rise by £2,900. Rents have gone up as a percentage of wages. Food prices have risen by 23%, electricity by 39.4%, gas by 58.7%—I could go on. The value of an average public sector worker's wages has declined by 25%. We should all be ashamed that that is happening on our doorstep and people cannot afford to live.

In contrast, dividend payments to shareholders have increased by 8% to £94.3 billion. We are living in a topsy-turvy Alice in Wonderland world. I remember what it said on the wall of the trade union where I used to work: "To make the rich work harder, you pay them more. To make the poor work harder, you pay them less." It is about time we turned the tables and started appreciating public sector workers.

4.48 pm

Olivia Blake (Sheffield, Hallam) (Lab): I thank my hon. Friend the Member for Cynon Valley (Beth Winter) for securing this debate. It is always brilliant to hear her talking about the important issue of low pay. I echo her comments about Tony Lloyd. He was a very principled public servant, not only as an MP for many years, but as a police and crime commissioner. My thoughts are with his family. He will be sadly missed.

The statistics on public sector pay and the associated graphs and figures all starkly outline the dire state of pay for those who dutifully work to serve our communities, but nothing paints a better picture than the experience of frontline workers themselves. I want to read an anonymised quote from a DWP worker. When they were asked about the conditions in their workplace, they said:

"Every day felt like drowning, getting upwards of 60 messages from claimants to deal with, on top of all the other work. I've been in my role for several years and this was the worst it has gotten. It worsened my mental health to the point of severe burnout, with constant headaches when I am at work and bad anxiety. At its worst, it pushed me to self-harm and heavy contemplation of suicide."

That worker is not alone in those feelings. PCS recently published first-hand testimony from the workforce in the DWP. The reports in that document are shocking, and they almost all point to low pay as the source of the recruitment crisis in the DWP. No one wants to work

[Olivia Blake]

for an employer that they feel undervalues them and the skilled job they do. It is ironic that we hear a lot about competition in the private sector, and yet do not see competitive pay in the public sector.

The link between poor recruitment and pay is also abundantly clear in the health service. Nursing, which has already been mentioned, has a vacancy rate of 10.36%. The number of district nurses has decreased by 44.4%. School nurses are down by 32.6%, learning disability nurses by 46%, and health visitors by 31.1%. Just the other day, I was in the Chamber debating provision and funding for special educational needs and disabilities. All the nursing staff I have listed are critical to delivering that service, so it is no wonder that SEND provision in the UK is broken. Pay is at the core of a lot of these recruitment crises.

It is the same story again and again. Last year, the TUC found that one in three public sector workers—1.8 million workers—has attempted to leave their profession and get a job in another field. As alluded to earlier, the crisis in health and social care is even worse; there, the proportion rises to 50%. Of all the workers the TUC asked, 52% cited low pay as a cause of their wanting to leave the sector.

The pay for our public servants reflects the esteem in which we hold our public services, and the value we place on supporting some of the most vulnerable members of our community. Given the Government's measures on public services, those have clearly hit rock bottom. We should all reflect on that.

4.51 pm

Ian Byrne (Liverpool, West Derby) (Lab): It is an honour to serve under your chairship, Sir Robert. I thank my hon. Friend the Member for Cynon Valley (Beth Winter) for securing this important debate, and for her excellent speech.

Many public sector workers have, as a last resort, had to take industrial action over their pay, pensions and job security. I have been proud to stand on the picket lines in Liverpool with teachers, nurses, doctors, junior doctors, civil servants and many other public servants. The Government should not have put the workers in this position. The wave of strike action follows pay offers that amounted to real-terms pay cuts, and comes at the same time as high inflation and the worst cost of living crisis that many of us have ever known. Since 2009, the value of the average public sector worker's wage has declined by 25%, and the total cash value lost as a result of wages failing to keep pace with inflation is £65,000. That figure is staggering. Just imagine the difference that £65,000 could have made to people's lives, and their local economies.

The Government's brutal and unrelenting austerity has cut our vital services to the bone, and declining real wages have forced many who deliver those services into poverty. Let us be clear: austerity was a political choice; it was the wrong one, and so it will always be. Analysis by Feeding Liverpool shows that one in three people in my great city are experiencing food insecurity and hunger, and I know from speaking to many constituents that this includes teachers, nurses, civil servants and many more public sector workers.

On civil servants specifically, a PCS union survey of its members found that 35% had skipped meals because they had no food, 18% had to miss work because they could not afford transport or fuel to get there, 85% said the cost of living crisis had affected their physical and mental health, and 52% were worried about losing their home. What we are putting them through is staggering.

Declining public sector pay and conditions have also created a recruitment and retention crisis. It is utterly heartbreaking to hear from public sector workers in West Derby, such as teachers and nurses, who feel that they have no choice but to leave the career they have worked in their whole life, and care so much about, because of a combination of low pay, poor conditions, funding cuts, staff shortages and huge workloads.

Recent polling shows that two thirds of the public want the Government to invest any fiscal headroom in public services, such as schools and hospitals, and the people who serve in them. People have had enough of the Tory austerity programme. I completely agree with my hon. Friend the Member for Cynon Valley, who described so well the three key things that the Government must do next. First, there must be greater transparency around pay review bodies, along with greater collective bargaining arrangements in the trade union movement. Secondly, the upcoming pay settlement must deliver at least an inflation-proof pay rise. Thirdly, the Government must commit to a principle of pay restoration, and put right a decade of real-terms pay decline for public sector workers. They deserve nothing less, and our communities deserve nothing less.

4.54 pm

Zarah Sultana (Coventry South) (Lab): It is a pleasure to serve under your chairmanship, Sir Robert. I too pay tribute to our colleague Sir Tony Lloyd, the hon. Member for Rochdale, who has sadly passed away. He will be remembered for his kindness, and his tireless commitment to his community and the Labour movement. My thoughts go out to his loved ones. I congratulate my hon. Friend the Member for Cynon Valley (Beth Winter) on securing this important debate. Our NHS, our schools and all our public services are the backbone of our society. It is those 6 million workers, from hospital porters to teaching assistants, who keep services running. They keep the country running.

Public sector pay has been slashed in real terms since 2008. While costs have soared, wages have failed to keep up, leaving workers in Coventry South and across the country struggling to make ends meet. Recent research by Unison shows that the average public sector worker's wage in 2023 was worth £12,000 less than it was in 2009. The work of teachers, nurses, firefighters and social workers has not got easier in that time. In fact, workload, stress and burnout have only shot up. Why is a teacher today paid a quarter less than they were in 2010? Why have social workers, paramedics, housing officers and so many others had their pay slashed by more than 25%?

For more than a decade, the failure to pay public sector workers properly has pushed staff to breaking point. It has created workforce crises, dangerous understaffing and a wasteful reliance on agency staff. Last year, public sector increases of around 6% were eventually secured in most sectors, but with inflation still sky high, those once again amounted to real-terms cuts that have left workers worse off. It has to be stressed that those pay

risers were not handed to workers by the Government; they were won by trade unions who campaigned tirelessly for many months, and who were forced to take days of industrial action to claw back pay in the face of huge real-terms cuts.

It does not have to be like this. The Government could choose to remunerate workers fairly. They could commit to increasing pay, at least in line with inflation, for 2024-25. They could plan to restore pay to 2009 levels, so that all public sector workers can enjoy the same standard of living today, and tomorrow, as they did in the past. In the past decade, Britain's billionaires have seen their wealth go up threefold. It now stands at an eye-watering £684 billion, so we know that there is enough wealth to go around, to fund our public services and to give workers a decent wage. Let us tax the rich. Let us get the very wealthiest to pay their fair share. Let us invest in our public services and give the public sector workers who we rely on the fair, inflation-proof pay rises that they rightly deserve.

4.57 pm

Hywel Williams (Arfon) (PC): The hon. Member for Cynon Valley (Beth Winter) made a very persuasive case, which I will add to. Public sector pay is crucial in Arfon and in Wales. According to a Bevan Foundation report on poverty in Arfon, which I commissioned and published last August, there were 11,300 public sector employees in Arfon in 2021—36.6% of all employees in the constituency. Public sector employment in the constituency is extremely important and is higher than elsewhere, and there have been many reasons for that. We have three major public health institutions—a local hospital, Bangor University and Gwynedd Council's headquarters in Caernarfon—so that is why we have so many public sector workers. Arfon is twice as dependent on jobs in the public sector as the rest of Great Britain.

Public sector jobs have traditionally been seen as safer, better paid and pensionable. However, the median gross weekly pay of full-time workers living in Arfon is £20.10 a week less than a typical Welsh worker's, and £58.80 a week less than the average worker's in Great Britain. I would argue that this obviously has a bad effect on public services. There are particular issues in Wales, where, in many areas, we have a more dependent population because of age, illness, disability and the legacy of heavy industry. That is why we need proper funding to meet the needs of public services, and why the inadequacy of the Barnett formula is so acute.

To take the case of junior doctors' pay, which I raised earlier, Plaid Cymru's Health and Social Care spokesman, Mabon ap Gwynfor, said:

"The elephant in the room is that Wales is not fairly funded, meaning we're unable to pay our public sector workers what they deserve."

I have a question for the Minister, which I will repeat from earlier. Will there be a consequential effect on the settlement for Wales from the settlement with junior doctors in England, so that we have the wherewithal to pay the proper rate for the job? If there is to be a consequential, when will the Government tell us?

5 pm

Jim Shannon (Strangford) (DUP): It is a real pleasure to speak in this debate. I thank the hon. Member for Cynon Valley (Beth Winter) for securing it.

First, may I say how saddened I am to hear that Tony Lloyd has passed away? I knew him for all my time here of some 15 years. He used to sit behind me in the Chamber, or I sat in front of him—perhaps that would be a better way to say it. We had many chats and much fun together. Along with others in this Chamber, I pass on my sincere sympathies to his family. He was a very good friend to Northern Ireland. We might have had some differences in how we looked at things, but I tell you what: no one can ever take away his dedication and commitment to Northern Ireland. I will sadly miss him on the Northern Ireland Affairs Committee. I put on the record the burden of his passing.

This is certainly a timely debate. In Northern Ireland tomorrow, our schools will be closed because the teachers are on strike. Public transport workers will join them. Anyone who wishes to travel to work will do so on roads that are not gritted, while road gritters go on strike and temperatures fall today and tomorrow in Northern Ireland. More than 150,000 public sector workers, across 15 unions, are set to strike. If we took this to the nth degree and all public sector workers went on strike, we would find a total shutdown in Northern Ireland.

Some people here may be getting ready to chime, "Pay sector awards are devolved." Yes, they are, but I will make my case. It has to be remembered that Northern Ireland is grossly underfunded, as has been acknowledged by the Secretary of State and by central Government. We need an appropriate uplift in Government funding. I am invested in this deal to ensure the Barnett consequential. This has been discussed at the Northern Ireland Affairs Committee and is one of the issues that we have taken forward. All the officials who attend have acknowledged that the Welsh system of funding, with great respect to Welsh colleagues here, would make us better off in Northern Ireland. If that has been accepted on the Northern Ireland Affairs Committee, it is only right that we should see a reflection of any uplift and increase.

I cannot speak on this motion without highlighting the fact that, unlike in the English system, we have been held to ransom not by strikes but our own Secretary of State, who is on record as acknowledging that an enormous budget increase is required. He has sourced part of that funding but is withholding the money that would give the public pay sector increase required. He has tied the release of the extra £3.3 billion, which has been well bandied about and talked about. We have pushed him on the issue. The ham-fisted blackmail attempt has been highlighted by my party leader, my right hon. Friend the Member for Lagan Valley (Sir Jeffrey M. Donaldson), who has said about the pay rise:

"There's nothing to stop that from happening—you don't need to have a functioning Stormont in order for the Secretary of State to use the temporary powers that he has given himself for that purpose. He has the power to set the budget. He has the power to deal with this issue, and we're saying to the Secretary of State that he should get on and do that."

Why should the Secretary of State do that? Because the Government here have already done it on three occasions. They did it for sex and relationships education, they did it for the Irish language Bill and they did it for the abortion Bill. If they can do it three times, they can do it once more and create the money—the £3.3 billion, which would pay for the whole increase that the workers want. I support them. A number of unions have gone

[Jim Shannon]

on the record, including on a television programme last week. They said, “Let’s focus on who can make this decision.” They went on record to say that this is not a matter for politics, but for leadership. Where does that leadership come from? It comes from the Secretary of State for Northern Ireland. He can make that decision.

I put on record my support to others here and to my constituents back home. I have supported decent pay sector increases for hard workers in this place. Northern Ireland deserves no less support and action. I conclude by asking Members here to voice their concerns to Government in support of public sector workers throughout the United Kingdom of Great Britain and Northern Ireland, without whom we would be completely lost and much worse off. I support them in what they are doing. The thing about it this time is that the Secretary of State has the money to do it.

5.4 pm

Chris Stephens (Glasgow South West) (SNP): It is a pleasure to see you in the Chair, Sir Robert. Like other Members, may I start by paying tribute to the great Tony Lloyd? He was a good friend, a great man and one of the characters of this place. We will all miss him. I am sure that in the coming days we will all be paying fuller tributes to a great man and a friend to many.

I refer to my entry in the Register of Members’ Financial Interests, particularly to my position as chair of the PCS parliamentary group and as a member of the City of Glasgow branch of Unison, of which I am a former treasurer. Indeed, in the old days I was the one responsible for signing the many strike pay cheques to workers at Glasgow City Council.

This has been an excellent debate. We are all waiting with great anticipation to hear the Minister’s response, but I am sure some of us could write his lines for him. I hope we will not be subjected to this notion that it is pay rises that contribute to inflation, when we know that it is prices. I am sure that we will not be told about the huge cost to the taxpayer from pay rises, as if there is some notion that public sector workers put their pay rises in a shoebox and hide them under the bed.

As the hon. Member for Liverpool, West Derby (Ian Byrne) correctly said, there is a good economic impact when we give public sector workers a pay rise. Before the pandemic, about 70p in every £1 of public money ended up in the private sector economy. If we give public sector workers a good pay rise, what do they do? They spend it, and they spend it in the private sector economy. I would have thought that the Government would welcome such behaviour by consumers.

Many Members, including the hon. Member for Poplar and Limehouse (Apsana Begum), have mentioned the PCS report. I have a copy in front of me; I know that I am not allowed to use props in this place, as Mr Speaker reminded us earlier today, but I have a copy for the Minister that he can read at his leisure. I have to say that it is a devastating report about the staffing crisis in the Department for Work and Pensions and how low the pay is for staff. The fact that huge numbers of staff in the Government Department that looks after social security have to rely on the very benefits of that system is something that the Government need to look at.

In this debate on public sector bodies, I hope the Minister will explain why there are so many bargaining units across Departments in the Westminster Government. There are 200 separate pay negotiations for the UK civil service. That is a completely and utterly ludicrous position. I would have thought that perhaps the party of small government would have one set of negotiations for civil servants across UK Government Departments. Can the Minister also explain why staff at the Pensions Regulator are currently taking industrial action? The Pensions Regulator is not complying with the Government’s own pay remit: it is offering less than the remit says.

Mercifully, there is a different story to tell for public sector workers in Scotland. We need only look at figures for the past year. Rail workers in Scotland are getting a pay rise of between 7% and 9%; in England, it is 4% to 6%. In the national health service last year, there was a 4% pay rise in England; in Scotland, it was anywhere between 7.5% and 11%. That is perhaps because we have a Government in Scotland who recognise Scotland’s values, recognise that public sector workers should be looked after during the cost of living crisis, and recognise that we should be thanking those workers in the public sector who kept the country’s wheels turning during the pandemic. I hope that the UK Government will respond positively to the many points that hon. Members have made this afternoon.

5.9 pm

Tulip Siddiq (Hampstead and Kilburn) (Lab): It is a pleasure to serve under your chairmanship, Sir Robert. I congratulate my hon. Friend the Member for Cynon Valley (Beth Winter) on a passionate and well-argued debate, and I associate myself with her remarks about our friend Tony Lloyd. I first met Tony when I was an intern in Parliament nearly 22 years ago, I think. The way he was so nice to me sticks in my mind: he really showed the character of a public servant in being so nice to an unpaid, lowly intern. I am very sorry to hear that he has passed away. What a life he had—a real life of public service. My thoughts are with his family.

Working people have seen 14 years of low growth, stagnant wages and the highest tax burden in decades. What are they getting in return? On this Government’s watch, the average pay for workers is lower in value now than it was 14 years ago when the Government first came to power. The NHS, which we all love, is on its knees, with 7.5 million people waiting for treatment. Schools across the country face crumbling concrete as our children are forced into temporary classrooms.

My hon. Friend the Member for Liverpool, West Derby (Ian Byrne) and the hon. Member for Strangford (Jim Shannon) talked about how public services are broken but it is their constituents who are paying the price. My hon. Friend the Member for Liverpool, West Derby described how his constituents are facing food insecurity and skipping meals. I think you would agree, Sir Robert, that in 2024 in the United Kingdom, that is absolutely unacceptable for our constituents.

Call me old-fashioned, but I believe that it is the Government’s responsibility to ensure that quality public services are provided for the common good of the country. The sorry state of our public services and their recruitment and retention crisis are a result of 14 years of this Government. My neighbour and hon. Friend the Member for Brent Central (Dawn Butler) talked about

the cost of living crisis in her constituency, the struggle that her constituents face, particularly in renting, and the fact that workers' pay is now lower than in 2010. I believe that this is a direct result of the Government's inability to grow the economy.

The Government like to talk about public service productivity, yet only yesterday the head of the National Audit Office, Gareth Davies, said:

"Parts of our infrastructure are crumbling...The public sector is finding it harder to retain staff...These factors and others have combined to leave public services with a productivity problem."

Our constituents have suffered almost a decade and a half of stagnant public and private investment, and the cuts to public services are forcing them more and more into decline.

The Opposition would take a fresh approach to public services. We want to drive up standards in every state school, provide access to mental health support in every single school and recruit thousands of new teachers to ensure that their expertise is in every single classroom. We will get our NHS back on its feet with our plan to cut the waiting lists, and we will pay for it by removing the non-dom tax status. My hon. Friend the Member for Coventry South (Zarah Sultana) said that people who can afford to pay should be paying their fair share of tax; I fully agree. We will clear the backlog by offering 2 million more appointments every year, seven days a week.

We recognise that the current crisis in public services cannot be addressed through additional money alone. That is why the next Labour Government will fully transform the NHS. We need a health service that prevents illnesses and keeps people healthy and out of hospital in the first place. We will move care closer to our communities, guarantee mental health treatment where and when people need it and, most importantly, end the 8 am scramble to get a GP appointment. The next Labour Government will also use technology to overhaul every aspect of NHS delivery and deploy the power of artificial intelligence to spot diseases quickly.

We want to reform the outdated national curriculum to transform our schools with a greater focus on children's creativity, speaking skills and the confidence to shatter the glass ceiling at source. Across our public sector, we want to provide a more dynamic, joined-up and strategic approach to government. We want to focus on Britain's long-term national renewal. We understand that delivering fair and effective public sector pay and repairing and reforming our public services will require a strong and secure economy. That is why we set ourselves the ambitious mission of securing the highest growth in the G7.

Dr Poulter: The hon. Lady is making a number of points. On the specific issue of public sector pay, which is what this debate is actually about, could she please outline the Labour Front-Bench position? Does she agree with Opposition Back Benchers that public sector pay should go up this year by at least the rate of inflation, if not higher, and that there should be a long-term pay settlement of that type for the public sector?

Tulip Siddiq: I support the view that we have to make sure that we treat our public sector workers better. If we were in Government, Labour would ensure that the pay review bodies give greater weight to recruitment and retention issues. That is what we will consider when we

are in Government—whenever the current Government decide that they want to call an election, so that we can put our views to the country. I notice that the hon. Gentleman is smiling, but the Government still have not given us a date; I will allow him another intervention if he can give me a date, but I do not think he will.

We will deliver a proper industrial strategy and higher investment, because we believe that if we can grow the economy, we can pay people properly. We want to cut planning red tape and get Britain building. We will transform our labour market with stronger workers' rights. We want to get the economy growing again. We want to increase tax receipts and improve our public finances, so that we can invest in our public services and boost wages.

In contrast, the current broken economic model has driven down people's wages and undermined their security. The Government have failed to deliver growth and have weakened our public services. My hon. Friend the Member for Sheffield, Hallam (Olivia Blake) made a powerful speech about the recruitment and retention crisis, and about how public services are in a state of collapse. That is not what we want to see in our constituencies. We want to get the economy firing on all cylinders; we want to repair our public services, so that they work for communities; and we want the public sector workforce across the country to work properly. I want to hear what the Minister has to say about the fact that the economy is broken. What is his plan to grow it, so that our constituents can have a better life in the future?

5.16 pm

The Economic Secretary to the Treasury (Bim Afolami):

I thank the hon. Member for Cynon Valley (Beth Winter) for securing this debate and for her opening remarks. I echo her comments and those of many others about a dear friend of the House, Tony Lloyd, and his passing. As was evidently the case with so many other Members, ever since I came to the House, he was unfailingly kind to me. But he was not just kind; he was also knowledgeable and thoughtful, and he knew a huge amount about governance, about Manchester, and about this House and how it works. He will be sorely missed, particularly by Opposition Members.

I am grateful for this opportunity to set out the Government's appreciation of our public sector workforces and the spirit of public service that lies behind the vital work that they do up and down the country.

Before I get to the meat of my remarks, let me say that many comments have been made in this debate about how, as a result of inflation, the real spending power of wages decreases. That is completely correct; it is true. That is why halving inflation has been the Prime Minister's No.1 priority since he took office, and we have focused so strongly on doing that. Having more than halved inflation—although we have not yet finished the job—we are now able to pay our public sector workers more. I will explain that a bit further.

As Members know, pay for most frontline workers is set through an independent pay review body process. These independent bodies consider a range of evidence when forming their recommendations. It is important to note that the process is independent of the Government, but Members should be in no doubt that this Government wholeheartedly appreciate the public sector workers who play a vital role in delivering our world-class public services.

Richard Burgon: I am listening very carefully to what the Minister is saying. Why does he think that nursing staff are leaving the profession in droves? Does he agree that it is because they are underpaid and overworked, or does he think there is some other reason? If he thinks there is some other reason, could he enlighten the House on that now?

Bim Afolami: Although this is a debate about public sector pay, I will say this in relation to nurses: we have more nurses now than we had at the beginning of the Parliament. There are problems with the retention and recruitment of nurses, which we are addressing, but those problems are receding and those who leave do so for a range of reasons. We are working with the Health Secretary and across Government to ensure that we retain high-quality staff across our public services. Pay is of course part of that consideration, as it is for us all.

The Government strongly believe that dedication to public service should be appropriately rewarded, which is why for the 2023-24 pay round we accepted the headline pay recommendations of the public sector review bodies in full—for the armed forces, teachers, prison officers, the police, the judiciary, medical workforces and senior civil servants. What precisely does that mean for those professions? To answer, I will give three clear examples.

First, it means that policemen and policewomen received a 7% uplift that rightly recognises the risk that those brave men and women take at work. Secondly, teachers, who have been mentioned today, have received a 6.5% uplift and an increase in starting salary for newly qualified teachers to £30,000—significantly above the median wage in this country—which helps to ensure that we can continue to attract the brightest and best to safeguard our children's education. Thirdly, NHS consultants, doctors, dentists and GPs have received uplifts of 6%, with junior doctors receiving an enhanced pay increase that averaged 8.8%.

Alongside those headline pay awards, we have since agreed offers with the unions representing senior medical workforces, including consultants, which covered reforms to their pay structures. The junior doctors strike has come up in this debate, as one would expect. We were in talks with the British Medical Association's junior doctors committee, but they unfortunately chose to walk away. I am saddened by the strike because, frankly, it is having an impact on all our constituents. Nobody in this House should want the strike to continue. We urge the junior doctors committee to reconsider its decision, call off the strikes and come back to the table so that we can make further progress. Its demand of a 35% salary increase is unreasonable, and I hope the committee is reflecting on that and will come back to the table as soon as possible.

The pay settlements I mentioned appropriately reward the key role that staff play in safeguarding public health and the health of our NHS.

Beth Winter: The Minister has spoken a lot about the pay increase, but in preparation for the debate we received a number of submissions from trade unions, including the RCN, Unison and the NEU, which made two points that the Minister has not addressed and on which I will table questions. The first was regarding the independent review bodies' concerns about terms of

appointments and reference terms for multi-year deals. I did raise that specific question, but the Minister failed to respond.

The unions' second point was the pay restoration argument. The figures are staggering, but I will just pick out a couple: nurses have seen a 27% decline in the value of their pay since 2009; social workers have seen a decline of 28%; and all that the junior doctors—who the Minister just mentioned—are asking for is pay restoration back to those 2010 pay award levels. Surely they are entitled to that, and it is not too much to ask. The strikers I was with on the frontline on Monday were having to cut heating and food; they were struggling. They do not want to be on the picket line. All they want is pay restoration. I really hope the Minister addresses that issue.

Bim Afolami: Median pay in the public sector in 2023 was 9% greater than in the private sector, which is broadly in line with the gap between the two sectors over the past decade, so I do not fully accept the situation described by the hon. Lady. To repeat the point I made at the beginning of my remarks: inflation does erode the spending power of wages, which is why it is so important to focus on bringing down inflation.

Let me address another point that the hon. Lady made—as did the hon. Member for Liverpool, West Derby—about health in Wales. As everybody in the House knows, health is fully devolved in Wales; the Welsh Government set health worker pay in Wales, just as the Scottish Government do in Scotland.

Let me answer the question about when the devolved Governments will know their final budgets, which was asked by either the hon. Member for Glasgow South West (Chris Stephens) or the hon. Member for Strangford (Jim Shannon): they will do so following the conclusion of the supplementary documents process, which I believe is published after the Budget. That information will come.

Dr Poulter: The Minister might also remind the Chamber that the Welsh Parliament has had its own income tax-raising powers since 2019. I do not think that is on dividends or savings, but there are other mechanisms available in Wales to meet funding commitments that the Welsh Government may wish to make. Indeed, they may wish to make commitments with the unions to end the strikes in Wales.

I have one question for the Minister. I believe in the importance of the pay review body process, which, as he has rightly said, is independent. If the pay review bodies make a recommendation this year for public sector pay, will the Government adhere to that recommendation?

Bim Afolami: What I can say at the moment is that the Treasury will look at and seriously consider it. We hope to accept it in full, but I cannot make a commitment now. Obviously, I have not seen the recommendation.

Hywel Williams: Will the Minister give way?

Bim Afolami: I will, but I am running short on time.

Hywel Williams: I will be very brief on a slightly tangential point. The Tories here have already spent the extra income tax that Wales could raise many, many times over—this time on junior doctors' pay.

Bim Afolami: I thank the hon. Member for his point.

Having described the commitments we have already undertaken on public sector pay, I will outline the next steps we plan to take on this important issue. The Government have now asked the independent pay review bodies to consider and make recommendations on the pay of the workforces for the 2024-25 financial year. The Government hope to strike a balance on pay awards this year. On one hand, those awards should provide a fair, reasonable and proportionate offer for our public sector workers. At the same time, it is paramount that they deliver value for the taxpayer, particularly given the wider economic situation and the implications for the public finances.

Members will be eager to know what the pay award is going to be. Additionally, I know that for many people beyond this Chamber, particularly public servants and those who work for unions, the decision is important and keenly anticipated. I hear them, as do the Government and the Treasury. Given the recent economic picture, we understand that the outcome of the pay review process is not just academic or intellectual; it has real-world impacts on real people, including through mortgage payments, rents, schooling and healthcare. It is about how people plan their lives and how they take care of their loved ones. We hear their concerns and are considering the pay award carefully. The pay review process is independent and will take time. At this early stage, I hope people grant us their patience while we allow the process to take its course.

In conclusion, I thank the hon. Member for Cynon Valley and all Members who have spoken for playing their part in this valuable, interesting and important exchange of views.

5.28 pm

Beth Winter: I thank everybody who has contributed to the debate, our trade unions and, most importantly, all public sector workers. They do amazing work under very difficult circumstances, and they deserve proper pay awards. I will table parliamentary questions, because I do not think the Minister has answered one of the seven questions I asked today. I will follow up with a letter to him, and hope that he will address those questions. Diolch yn fawr.

Sir Robert Syms (in the Chair): I thank all Members for being brief and succinct so that everybody could get in.

Question put and agreed to.

Resolved,

That this House has considered the public sector pay round for financial year 2024-25.

5.29 pm

Sitting adjourned.

Written Statements

Wednesday 17 January 2024

BUSINESS AND TRADE

Critical Imports and Supply Chains Strategy

The Minister for Industry and Economic Security (Ms Nusrat Ghani): Today the Department for Business and Trade has published the UK's first "Critical imports and supply chains strategy". This meets the commitment made in the integrated review refresh in March 2023. The strategy can be accessed via the following link:

<https://www.gov.uk/government/publications/uk-critical-imports-and-supply-chains-strategy>

The commitment made in the integrated review refresh reflects the importance of ensuring the resilience of our critical supply chains for the UK's economic prosperity, national security and essential services. These range from the semiconductors essential to modern electronics to the medicines that are used on a daily basis within the NHS. As the global economy changes, the UK is responding by using all its domestic, diplomatic, and trade levers to secure access to the most critical goods. This will safeguard and grow our economy both now and in the future. We are committed to ensuring that the UK remains a reliable and supportive place to do business, where firms can import the goods they need efficiently.

With the critical imports and supply chain strategy, this is the first time the Government have brought together existing work on supply chains, set out our priorities and outlined actions to enhance resilience further. The strategy aims to inform and reassure citizens and businesses in the UK that the Government are prioritising this work, while also informing international partners about the UK's approach to critical imports and supply chain resilience. It highlights the benefits of free trade and the crucial role of businesses in managing their supply chains. The strategy builds on existing announcements made by the Government, such as the "Advanced Manufacturing Plan" and the "National Semiconductor Strategy", to provide a cross-cutting approach to building resilience. The strategy has been informed by extensive engagement with businesses importing critical goods into the UK and operating in global supply chains.

The strategy sets out five priorities that will shape the Government's ongoing work:

Making the UK Government a centre of excellence for supply chain analysis and risk assessment through building on our existing expertise to better understand the goods and the broader supply chain systems, including transport routes and infrastructure, that the UK needs now and in the future;

Removing critical import barriers to support the UK's business-friendly environment, including through new work with business to identify and where appropriate address barriers in order to support the resilience of our critical supply chains;

Building the UK's response to global supply chain shocks by continuing to refine and expand our capability to forecast and respond to external shocks to global supply chains, from extreme weather events to geopolitical incidents. This will include increasing the information available to businesses;

Ensuring the UK can adapt to long-term trends by developing the insights, policies and international partnerships needed to address long-term trends impacting supply chain resilience, including climate change, evolving geo-political dynamics and the growth of new industries and technologies; and

Expanding collaboration between Government, business and academia, including through the establishment of a new critical imports council.

We will publish a progress update in due course, setting out the steps that have been taken to deliver the strategy, and plans for further work.

[HCWS191]

ENERGY SECURITY AND NET ZERO

Energy National Policy Statements

The Secretary of State for Energy Security and Net Zero (Claire Coutinho): I laid five energy national policy statements for parliamentary approval on 22 November 2023. I am therefore pleased to inform Parliament that I am today designating them as national policy statements under the provisions of section 5(1) of the Planning Act 2008, and laying copies before Parliament as required by section 5(9)(b) of the same Act. The statements are made under the Planning Act 2008, which applies to England and Wales.

This designation is an important landmark and marks significant progress in two vital areas of this country: new updated national policy statements support a stronger, fairer and more efficient planning system for significant national energy infrastructure; and they support our efforts to build an energy system that will meet our net zero objectives, and provide the country with greater energy security, helping the UK maintain energy supplies at affordable prices.

[HCWS193]

HEALTH AND SOCIAL CARE

Women's Health Strategy

The Secretary of State for Health and Social Care (Victoria Atkins): After a successful first year implementing the women's health strategy for England, I am pleased to update on our priorities for 2024.

Improving care before, during and after pregnancy

We will continue to deliver NHS England's three-year plan for maternity services and empower women with information on the improvements that they should expect and deserve during pregnancy and after giving birth.

We will work to prevent and improve support for women who have experienced physical and mental birth trauma. By March, new services to avoid tears during childbirth and to improve maternal mental health will be rolled out across England, alongside updated guidance for GPs.

We will improve post-natal contraception provision and awareness of hyperemesis gravidarum during pregnancy. We will also continue to support for women and their partners who have experienced pregnancy loss, including through the baby loss certificate service that will be available shortly.

Improving care for gynaecological conditions and menstrual problems

Guidance will be updated this year for gynaecological conditions such as endometriosis and we will work to improve women's experiences of gynaecological procedures including hysteroscopy. Access to contraception will also be improved through Pharmacy First, which will play a vital role in managing menstrual problems.

The Office for National Statistics will carry out work to improve our understanding of endometriosis diagnosis times and the impact on women in the workforce.

Expanding women's health hubs

We are investing £25 million in women's health hubs to improve women's access to care, improve health outcomes and reduce health disparities.

We are working closely with NHS England and the network of women's health champions to support the establishment of women's health hubs, and we expect all 42 local systems in England—each integrated care system—to have at least one hub operating this year.

Tackling disparities and improving support for vulnerable women

We will focus on improving support for patients and staff who are victims of domestic abuse and sexual violence. NHS trusts and local systems will review their policies, training and support systems for domestic abuse and sexual misconduct this year.

The new acquired brain injury strategy coming later this year will consider the needs of victims of domestic violence with acquired brain injuries. We will implement the recommendations in the NHS England and HM Prison and Probation Service joint national women's prison health and social care review.

We will also work to reduce maternal disparities, given that data continues to show that black women are almost three times more likely to die during or shortly after pregnancy than white women. Women of Asian ethnic backgrounds are 1.67 times more likely to die than white women.

Boosting research on women's health

Through the first ever National Institute for Health and Care Research—NIHR—challenge fund of its kind, we will provide £50 million to unite researchers, policy-makers, and women, to tackle maternity disparities. The NIHR will continue to encourage bids for better representation of women in research and more research into under-researched women's health issues such as

lobular breast cancer as well as conditions that affect women and men differently, such as heart attacks.

The NIHR recently published a statement of intent for developing policy and practice which sees sex differences fully accounted for in research.

Continuation of existing priorities

Since my the Under-Secretary of State for Health and Social Care, my hon. Friend the Member for Lewes (Maria Caulfield) wrote to parliamentarians in summer last year outlining the significant achievements made so far, we have made further progress in other areas:

We have published a tool to help people find local fertility commissioning policies in England. We have recently announced changes in the law to remove financial barriers to female same-sex couples accessing IVF, and will continue to work with NHS England to improve access to NHS-funded fertility treatment.

We launched our new women's health area on the NHS website, a new HRT hub and for the first time new pages on conditions such as adenomvosis.

NHS England announced its aim to eliminate cervical cancer by 2040 by making it easier to get the lifesaving human papillomavirus—HPV—vaccination and increasing cervical screening uptake.

The NHS England Pharmacy Contraception Service relaunched to enable community pharmacies to initiate oral contraception. Almost 3,000 contractors have already signed up to the expanded service.

Between its launch on 1 April and 31 December 2023, 484,082 hormone replacement therapy prescription prepayment certificates were purchased, saving women millions of pounds in ongoing prescription charges.

NHS England will continue its work to improve menopause care by piloting new guidance for nurses, GPs and other staff in the midlands to better recognise and treat symptoms.

Helen Tomlinson, the Government's Menopause Employment Champion, published a plan for the next six months in her role. The Government also launched online resources for employers.

In autumn we ran a reproductive health survey, which received 52,000 responses from women telling us about their experiences across all areas of reproductive health.

The upcoming major conditions strategy will consider the differences between men and women in conditions such as osteoporosis and dementia.

I am delighted to announce the reappointment of Professor Dame Lesley Regan as Women's Health Ambassador for England for a further two years to December 2025. She will provide expert clinical leadership and support implementation of the strategy.

[HCWS192]

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**not later than
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