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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Wednesday 15 May 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

WOMEN AND EQUALITIES

The Minister for Women and Equalities was asked—

Support for People with Disabilities

1. **Debbie Abrahams** (Oldham East and Saddleworth) (Lab): If she will make an assessment of the adequacy of Government support for people with disabilities. [902860]

The Minister for Disabled People, Health and Work (Mims Davies): The Government deliver wide-ranging support for disabled people, including in work and education. We continually seek to enhance support—for example, via improvements to the health and disability benefits system, and in the accessibility of homes and transport, and through delivery of the national disability strategy and the disability action plan.

Debbie Abrahams: The United Nations has found that the Government have breached the rights of sick and disabled people, including their rights at work, and the UK's own equality watchdog has said that the Department for Work and Pensions has discriminated against sick and disabled people. Given that only 2.7% of participants in the Government's work and health programme have a successful job outcome, what meaningful proposals do the Government have to reduce the 29% disability employment gap?

Mims Davies: I thank the hon. Lady for her point, which takes me back to our time on the Work and Pensions Committee. I genuinely feel disappointed about that report, and the Government strongly rejected its findings in 2016, but we will continue to implement the UN convention on the rights of persons with disabilities and the Committee's recommendations through many of our policies to improve disabled people's lives, whether that is WorkWell, our disability employment advisers, or the work we are doing on fit note reform. We are absolutely determined to support disabled people in work. Indeed, in the first quarter of 2024 there were 10.3 million disabled people in employment, which is an increase of 400,000 on the year before.

Mr Speaker: I call the Chair of the Women and Equalities Committee.

Caroline Nokes (Romsey and Southampton North) (Con): I know that my hon. Friend is absolutely committed to disability employment, but can she please outline exactly what she is doing, both at the DWP and in her

wider role across Government, to ensure that inclusion is embedded in policy and leadership so that disabled people—particularly those who are neurodiverse—are supported into civil service jobs?

Mims Davies: I thank my right hon. Friend for her point and for her work in this area. We are delivering on the Buckland review, and all ministerial Departments are signing up to Disability Confident, progressing to Disability Confident leader status and having evidence independently validated on that work. Arm's length bodies are also signing up to Disability Confident, and we are working with parent Departments to encourage more of them to do the same. One in 10 senior civil servants declare themselves to be disabled, and since 2013 the proportion of civil servants with a disability has increased to 16.8%.

Mr Speaker: I call the shadow Minister.

Ashley Dalton (West Lancashire) (Lab): I am already a little confused by the Minister's answers this morning. In December I raised the issue of the disability pay gap, and she replied from the Dispatch Box that the Government were closing the disability employment gap. She has mentioned this morning that that is apparently happening, but the numbers tell a different story: in the period from January to March 2024, 100,000 fewer people with disabilities were in employment compared with the same period 12 months earlier. Why does she think the plan is not working?

Mims Davies: The hon. Lady and I could trade statistics, but what I am interested in is opportunities for disabled people and people with health conditions, hence the work we are doing on the Buckland review, and indeed on entrepreneurship and the Lilac review—there will be further updates on that to the House shortly. If the hon. Lady is ready to listen, I can reassure her that we are working on the Disability Confident scheme and are doing further work on the employment goal, and I will update the House soon.

Menopause: Workplace Support

2. **Andrew Gwynne** (Denton and Reddish) (Lab): What steps she is taking with Cabinet colleagues to support women experiencing menopause at work. [902861]

The Minister for Women (Maria Caulfield): In March last year we appointed Helen Tomlinson as the Government's first ever menopause employment champion. She has been working up and down the country, visiting businesses large and small and giving them advice on policies to support menopausal women in the workplace. She recently published her 12-month review, "Shattering the Silence about Menopause".

Andrew Gwynne: I am grateful for that reply. Labour is the party of women's equality. The previous Labour Government did more to advance equality than any other, and the next one will match that record. We are committed to supporting women experiencing menopause to thrive at work by requiring large employers to adopt menopause action plans. Will the Minister do the same?

Maria Caulfield: As usual, this Government have already done all of that work. In England we have the Wellbeing of Women pledge, which the NHS, the civil service and this Parliament have signed. We will take no lectures from Labour on women's health. While we have had a women's health strategy for two years, Labour-run Wales has no health plan for women.

Mr Speaker: I call the shadow Minister.

Anneliese Dodds (Oxford East) (Lab/Co-op): Research shows that one in 10 women with menopausal symptoms have left work due to a lack of support. In some cases, this will have been due to discrimination. Women experiencing menopause know that this is because of their age and sex, but the law does not protect them on that combined basis. Why not?

Maria Caulfield: The Equality Act 2010 already protects women on the basis of sex, age and disability. It is this Government who are changing the experience of menopause by rolling out women's health hubs in every integrated care board across England, so that women can access menopause support. We also have our hormone replacement therapy prepayment certificate, which is available for just under £20 a year for women to get all their HRT prescriptions. Over half a million women in England have bought one of those certificates.

Anneliese Dodds: The Minister referred to Labour's Equality Act, which of course includes protections against dual discrimination, but the Conservatives have refused to enact those protections. Labour would put that right. We would also require large businesses to produce menopause action plans, which the Government have refused to do, and we would also publish guidance for smaller businesses. We would set a new investment target for women-led start-ups, and we would transform the rights of women at work with a new deal for working people. The Minister for Women and Equalities has suggested, of course, that menopause at work is a left-wing issue. Does this Minister agree?

Maria Caulfield: The shadow Minister fails to mention the Help to Grow portal, which has a menopause resource hub that enables employers to use that information to better support women in the workplace, whether with flexible working—under laws that this Conservative Government have introduced—or through simple measures such as recognising that even the uniform a woman wears in the workplace can make a difference. This Conservative Government have raised the bar on menopause health and support in the workplace and in healthcare, while Labour for many years could not even define what a woman actually is.

Community Cohesion

3. **Andrew Rosindell (Romford) (Con):** What steps the Government are taking to help ensure community cohesion. [902863]

The Minister for Women and Equalities (Kemi Badenoch): In this country, we believe in religious freedom. Everyone should be able to express their identity, faith and beliefs. However, this must be done in a way that respects the rights of others. Community cohesion in many of our towns and cities has been strained in recent months, following the 7 October attacks in Israel. The boundaries

of acceptable behaviour in the public sphere are being tested. That is why on 18 December 2023 I published new guidance for public authorities, reminding them of their legal obligations under the public sector equality duty, and specifically that they should consider how they contribute to the advancement of good relations in communities as they deliver public services.

Andrew Rosindell: My right hon. Friend will know that, in Romford, our national, country and county flags—the Union Jack, the cross of St George and the flag of Essex—are flown with great pride as inclusive symbols of our shared identity. Does she agree that all public buildings, schools and organisations should be encouraged to fly the appropriate flags as symbols of unity, patriotism and equality, rather than of division?

Kemi Badenoch: I do agree with my hon. Friend. The Union Jack and the cross of St George are symbols of unity, not division, and of course, as an Essex MP, I am also particularly fond of our county flag. The point is that national pride should be celebrated, not shunned. That is why anyone in the UK is able to fly any of our national flags without needing the consent of their local authority, as per Government regulations that exempt national flags.

Jim Shannon (Strangford) (DUP): I thank the Minister for her answers. On community cohesion between different ethnicities, what plans does she have to make funding available to enable community events whereby each member of a community can demonstrate their culture and heritage, with all ages and all groups, and to build relationships in a similar way to what we are doing in Northern Ireland?

Kemi Badenoch: We encourage every celebration of the diversity in ethnicity that we have in this country. In particular, the Government want to emphasise equality under the law, the fact that there are not protected groups but protected characteristics, and that everyone should be free from discrimination. We know that in many events up and down the country, including in Northern Ireland, that is what is being celebrated, and I thank the hon. Gentleman for highlighting that in the House. We encourage all local communities to do just that.

Welfare Reform: Disabled People

4. **Chris Stephens (Glasgow South West) (SNP):** What recent discussions she has had with Cabinet colleagues on the potential impact of the Government's proposed welfare reforms on disabled people. [902864]

5. **Alan Brown (Kilmarnock and Loudoun) (SNP):** What recent discussions she has had with Cabinet colleagues on the potential impact of the Government's proposed welfare reforms on disabled people. [902865]

The Minister for Disabled People, Health and Work (Mims Davies): The Department engages regularly with the Cabinet Office on the different options for reshaping the current welfare system set out in the health and disability Green Paper, including on the potential impact on claimants with different health conditions.

Chris Stephens: The proposed reforms to personal independence payment unjustly target disabled people in a cost of living crisis. The Multiple Sclerosis Society found that nearly two in three people with MS said that the application process had a negative effect on their physical and mental health. Instead of pursuing reforms that risk worsening inequality, will the Minister make representations to scrap informal observations to any PIP changes, as has already been done with the adult disability payment in Scotland?

Mims Davies: We want to understand how best to target support for disabled people and those with health conditions, to provide the right kind of support for those who need it most, and to ensure value for the taxpayer. Providing the right support to people who need it most, and understanding long-term health conditions and how people want to live independently and reach their full potential, is key to that. We must also ensure that disabled people feel understood and have a voice, which is why I strongly urge people to be part of that consultation and have their say. We want to hear from disabled people—that is what they say to me: they want to be heard and understood.

Alan Brown: In November, when I raised the concerns of Parkinson's UK about changes to the work capability assessment, the then Minister agreed to meet the organisation. Six months on, there has been no meeting, and the Minister has replied to my follow-up written questions with standard answers about meeting a number of organisations. Will she step up to the plate and meet Parkinson's UK to hear directly its concerns about the changes to welfare reform for those suffering from Parkinson's?

Mims Davies: I try not to give standard answers, and I will not give a standard answer to that question. I recently met people who were diagnosed with Parkinson's early—perhaps as young as 35—and I am happy to meet more broadly with Parkinson's UK. I recently met Mind, and as much as my diary allows, and at events in the House, I engage with advocates for disabled people and those with health conditions. I am happy to pick up that meeting, because if it is not already in my diary, it should be soon.

Mr Speaker: I call the SNP spokesperson.

Kirsten Oswald (East Renfrewshire) (SNP): The United Nations Committee on the Rights of Persons with Disabilities recently concluded that the UK Government have

“failed to take all appropriate measures to address grave and systematic violations of the human rights of persons with disabilities and has failed to eliminate the root causes of inequality and discrimination.”

With those damning findings in mind, will the Minister confirm whether an equality impact on the proposed welfare reforms has been carried out, and if so, can we expect it to be made public?

Mims Davies: I will write to the hon. Lady on that question. I can reassure her that I have met her and my counterparts in the devolved space regarding PIP reforms and the wider consultations, to ensure that we are hearing voices from everyone. As I said earlier, the UK is a signatory to the UN convention on the rights of

persons with disabilities, and we remain committed to ensuring that the UK is one of the best places to live and work as a disabled person. I come from caring and a family that lived with disablement. We must listen to disabled people, stop scaremongering and ensure that they are understood. That is exactly what our reforms and engagement are all about.

State Pension Equality

6. Mohammad Yasin (Bedford) (Lab): Whether she has had recent discussions with the Secretary of State for Work and Pensions on state pension equality.

[902866]

The Minister for Disabled People, Health and Work (Mims Davies): Ministers in the Department for Work and Pensions continue to have regular discussions about state pension inequality. We introduced the new state pension in 2016, which improves outcomes for many women. Outcomes will equalise for men and women by the early 2040s—more than a decade earlier than under the previous system.

Mohammad Yasin: Some WASPI—Women Against State Pension Inequality Campaign—women in Bedford are living in severe financial hardship, having had their pension income stolen, in some cases twice. Their right to compensation has been tested and won. Given that a WASPI woman dies every 13 minutes, does the Minister agree that a compensation scheme needs to be set up immediately? It should not be a one-size-fits-all package, but it must be simple, clear and easy to operate.

Mims Davies: I know that this issue is very emotive. For all of us with constituents who are worried about their pension age, I remind them that pension credit provides a safety net for people on low incomes, so they should look at the benefits calculator on gov.uk. There will be a full debate on the ombudsman's report tomorrow, and the Government will take all views into account as we identify and implement the next steps. The ombudsman's report is complex and substantial, and the investigation covers 30 years. I appreciate that all parties want to see the situation resolved as quickly as possible. As the Secretary of State for Work and Pensions has said, there will be no undue delay, and we will be listening to everyone.

Sex-based Data: Health and Social Care

7. Rosie Duffield (Canterbury) (Lab): What steps she is taking with the Secretary of State for Health and Social Care to help ensure that health and social care providers collect sex-based data.

[902867]

The Minister for Women (Maria Caulfield): NHS England plans to make further changes to reporting on sex and gender in national datasets once the unified information standard for protected characteristics has been approved and published. This will unify reporting on eight of the nine protected characteristics, including gender reassignment and sex.

Rosie Duffield: I know that the Secretary of State agrees that vulnerable women with learning disabilities and all women should be able to access same-sex care,

particularly with regard to intimate physical care. That is especially important in the light of the shocking report by the Women's Rights Network and Jo Phoenix on rape and sexual assault in hospitals and care settings. That is why the proper collection of data based on sex is vital. Does the Minister agree?

Maria Caulfield: The hon. Lady is absolutely right. We are currently consulting on the NHS constitution, which will give women not just the right to same-sex accommodation in hospitals, but the right to ask for someone of the same sex to conduct intimate examinations. There are safeguards, and we are looking at some of the incidents in trusts in order to better protect patients and staff. She is absolutely right to raise the issue of data collection and ensuring that that is happening.

Business Start-ups

8. **Kerry McCarthy** (Bristol East) (Lab): What steps she is taking with Cabinet colleagues to encourage more people from Black, Asian and ethnic minority communities to start up a business. [902868]

The Minister for Women and Equalities (Kemi Badenoch): The Government have worked to advance equality of access to start-up opportunities, irrespective of social background or race. We have a range of business support programmes and Government-backed financial support through Help to Grow: Management, growth hubs and the British Business Bank. The success of our endeavours to engage and support diverse business leaders can be seen in the data. In 2023, 44% of the 30,000 people in England helped by the business support helpline were from ethnic minority backgrounds.

Kerry McCarthy: I thank the Minister for that response, although I found it a little difficult to hear. Bristol has a thriving and entrepreneurial Somali community, but one of the things they constantly come across is almost an expectation that they will set up businesses that serve just their community, rather than being part of mainstream regeneration efforts and the general commercial life of the city. What is the Equalities department doing to try to ensure that those people can make that breakthrough from just being community-based projects?

Kemi Badenoch: It is interesting that a number of people have that perception that they should stay in their lane. This Government do not support any sort of activity that is segregationist. We believe that we must treat people equally under the law. All of our access programmes are available irrespective of ethnicity. People should be encouraged to serve the entire community, not just people who look and sound like them. Some of the schemes that I mentioned in my earlier answer are available. The hon. Lady should know that the Start Up Loans Company reported that in her constituency 42 start-up loans were issued to ethnic minority-led start-ups, for about £315,000, so there are opportunities out there. I am happy to write to her with more information if she needs it.

Topical Questions

T1. [902885] **Rachel Hopkins** (Luton South) (Lab): If she will make a statement on her departmental responsibilities.

The Minister for Women and Equalities (Kemi Badenoch): Institutions should be able to operate free from ideological pressures. I am delighted that the Equality and Human Rights Commission has retained its accreditation as an A-status national human rights institution, denoting full compliance with the Paris principles, despite Stonewall's attempt to have it stripped of its status at the UN. As I have said before, Stonewall does not dictate the law in this country, or indeed in the UN. The Equality and Human Rights Commission, having retained its A-status, retains its independent participation rights at the UN Human Rights Council and remains able to report directly to the United Nations on human rights issues.

Rachel Hopkins: Data from the Office for National Statistics shows that 25.3% of women are economically inactive, compared with 18.4% of men. Many women say that access to flexible working could see them return to the paid workplace. What steps is the Minister taking alongside her Cabinet colleagues to ensure that all workers have access to flexibility in their working hours?

Kemi Badenoch: There is a lot that my Department in particular is doing. We have put out multiple bits of legislation that will help to entrench workplace equality, whether that is around flexible working rights or sexual harassment in the workplace. We are doing more even on the trade side, where we continue to ensure that we have provisions that advance gender equality in our free trade agreements because we want to break down barriers and create opportunities for female entrepreneurs.

Mr Speaker: I call Andrew Jones. [HON. MEMBERS: "Hear, hear!"] A popular man.

T2. [902886] **Andrew Jones** (Harrogate and Knaresborough) (Con): I would like to raise an issue with the Minister that was raised with me at a recent constituency surgery. What are the Government doing to ensure that privacy and dignity for women is protected in toilet facilities?

Kemi Badenoch: I thank my hon. Friend for his question. There are various reasons why women and men should be able to access single-sex spaces, and public toilets are no exception. We are updating building regulations so that toilets in non-domestic buildings offer safety, privacy and dignity for all people who use them. There is often confusion between gender-neutral toilets and unisex toilets. We support unisex toilets, but through these new building regulations we are trying to get rid of toilets and bathrooms where men and women share the same space.

T3. [902887] **Mr Gregory Campbell** (East Londonderry) (DUP): During the Northern Ireland Assembly campaign, some female candidates were subjected to AI-generated deepfakes and grossly offensive content. What action are the Government taking to regulate the dissemination of such imagery where it could affect the otherwise freely expressed choice of voters at the ballot box, especially as we approach a general election in the coming months?

Kemi Badenoch: The Online Safety Act 2023 introduced new offences that criminalise sharing or threatening to share an intimate image without consent, which includes deepfake intimate images. The Government are working to ensure that we are ready to respond to the full range

of threats to our democratic processes, including through the defending democracy taskforce. If deepfakes are discovered by users on social media, they should report them directly to the platform. In the case of elections, they should be reported directly to the Electoral Commission, because it is already an electoral offence to make false statements of fact about the character or conduct of a candidate during an election.

Caroline Ansell (Eastbourne) (Con): Having endured an induced coma and six rounds of chemotherapy, 17-year-old Leoni Miller launched her new business at a WayfinderWoman event last month. Will my right hon. Friend join me in wishing Leoni every success and outline what support and advice is available so that other young women see running their own business as a real prospect?

Kemi Badenoch: I wish Leoni every success. My hon. Friend is right to raise this issue. In March, we proudly announced the launch of the invest in women taskforce, whose mission is to make the UK the best place in the world to be a female founder. Since the taskforce's launch, its members have been working with the private sector to begin raising funds for female founders just like her constituent.

T4. [902888] **Sarah Green** (Chesham and Amersham) (LD): Both Baroness Cumberlege in the "First Do No Harm" report and the patient safety commissioner in the Hughes report recommend a redress scheme for women harmed by surgical mesh. What conversations is the Minister having with Government colleagues to make the redress scheme a reality for those women, who are still suffering?

The Minister for Women (Maria Caulfield): It is this Conservative Government who have commissioned the patient safety commissioner to do a report on what redress would look like. It is important that we take those recommendations in detail. We are looking at that and we aim to respond to the commissioner in the coming weeks.

Miriam Cates (Penistone and Stocksbridge) (Con): Some sporting bodies have interpreted the Equality Act 2010 in such a way that they believe they cannot lawfully ban males who identify as girls or women from competing in women's sport. Does my right hon. Friend agree that that interpretation is not correct and that it is lawful to exclude all males from female sport to achieve safety and fairness for women and girls?

Kemi Badenoch: I agree. There is so much misinformation out there and incorrect guidance that creates confusion. I recently had a roundtable with the Secretary of State for Culture, Media and Sport, and she and I agreed that sports bodies in the UK need to tackle this area more strongly.

PRIME MINISTER

The Prime Minister was asked— **Engagements**

Q1. [902820] **Mr Jonathan Lord** (Woking) (Con): If he will list his official engagements for Wednesday 15 May.

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.

Mr Lord: Residents across the eastern villages of Woking, in Byfleet, West Byfleet and Pyrford, have seen a large number of proposed developments in recent years. Of particular concern is an area of beautiful fields near West Hall, where more than 1,000 constituents have written back to me in recent weeks, expressing their deep concerns about the lack of provision of local infrastructure and the potential effects on the local environment. My residents and I will fight on, but does the Prime Minister agree that Labour's proposals to concrete over vast swathes of the green belt in Surrey and the south-east would be a complete calamity?

The Prime Minister: My hon. Friend is absolutely right. Unlike both the Liberal Democrats and Labour, who believe in top-down targets that would decimate the green belt, we believe in local people having a say over their local communities. That is why we are ensuring that we make best use of brownfield land and that we conserve and enhance our precious countryside for generations to come.

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

Keir Starmer (Holborn and St Pancras) (Lab): On Monday, the Prime Minister treated us to his seventh relaunch in 18 months. He vowed to take on the dangers that threaten the country, so it was good to see the Minister for common sense immediately take up that mantle by announcing a vital crackdown on the gravest of threats—colourful lanyards. Meanwhile, in the real world, after 14 years of Tory Government, the prison system is in chaos. Does the Prime Minister think that his decision to let prisoners out 70 days early makes our country more secure?

The Prime Minister: Civil service impartiality is an important principle that we are right to support—perhaps the right hon. and learned Gentleman could ask his chief of staff about that. What I did on Monday was outline the serious security threats that our country faces from an axis of authoritarian states: Russia poisoning people on our streets; China targeting our democracy; and Iranian proxies firing on British ships. Yet he will not back our plan to increase defence spending and we all know why—especially since the deputy leader and the shadow Foreign Secretary voted to scrap our nuclear deterrent. It is clear that you simply cannot trust Labour with our country's security.

Keir Starmer: I appreciate that the Prime Minister has been busy on the frontline of the war against lanyards. He must have missed that I was the first to call for 2.5% on defence spending. The last time that happened was under the last Labour Government. It needs a credible plan, not his fantasy economics.

I am disappointed to see that version 7.0 of the Prime Minister's time in office does not extend as far as answering questions or giving any information on those prisoners he is releasing early—basic details such as how many, where are they and what crimes have they

committed. Will he at least guarantee that none of the criminals who he is instructing prisons to release early is considered high-risk?

The Prime Minister: There are strict eligibility criteria in place, with exclusions based on public safety. No one would be put on the scheme if they were deemed a threat to public safety. The right hon. and learned Gentleman talks about 2.5%, but if he thinks that is important—I think he just stood up and acknowledged that it was the right thing to do—we have a fully funded plan to deliver an increase in defence spending. He and his party have refused to match that commitment.

Keir Starmer: Just like his £46 billion—fully funded! If anyone was looking for the perfect metaphor for this shambolic Government, we saw it on Monday. The Prime Minister woke up deciding his latest rebrand was “Mr Security”, but within hours the Tory party was being investigated for accidentally publishing the personal details of hundreds of people. He must be the only tech bro—brother—in the country who cannot work a debit card or send an email. *[Interruption.]* But he has not answered my question, so I will try again. Are any of the prisoners he is currently letting out early considered to be high-risk?

The Prime Minister: The right hon. and learned Gentleman just showed spectacularly why he is just not fit to lead this country into the future. This country has a proud tradition of leading the world. We led the world when it came to the industrial revolution, but if he was around he would have probably called James Watt the steam bro. What we are doing is preparing the country for the future. He talks about the prison scheme. Let me be crystal clear: no one would be put on the scheme if they were deemed a threat to the public. Offenders are subject to the toughest of licensing conditions and, if those conditions are broken, they are back in prison for considerably longer. But what is his record on this? He voted against tougher sentences for violent criminals. He actually opposed new powers for the police to tackle violent crime and voted against new laws that have arrested 1,000 criminal people smugglers. The message is crystal clear: he cannot be trusted to keep this country safe.

Keir Starmer: I appreciate that all this rebranding has taken all the Prime Minister’s time, but he may want to read the recent inspection report into Lewes prison on this topic, which I have asked him twice about. It documents, on page 5:

“high-risk prisoners...being released at short notice without sufficient...planning”.

Page 46 states:

“a high-risk prisoner had his release date brought forward...despite having a history of stalking, domestic abuse and...a restraining order.”

In the report’s words,

“He was a risk to children”.

Does the early release of stalkers, domestic abusers and those considered a risk to children sound like the work of someone who is making the country more secure?

The Prime Minister: As I said, no one should be put on the scheme if they are a threat to the public. Let me be crystal clear: it does not apply to anyone serving a life sentence, anyone convicted of a serious violent

offence, anyone convicted of terrorism, or anyone convicted of a sex offence. Crucially, in contrast to the system Labour put in place, governors in the prison service have an absolute lock so that no one is put on the scheme who should not be. Labour’s scheme let out thousands upon thousands of violent offenders on to our streets and even two terrorists. Thankfully, we have toughened up sentencing against those criminals with new legislation, but the right hon. and learned Gentleman voted against it.

Keir Starmer: Well, I am glad to hear that those on life sentences are not being released early. The Prime Minister may not think that releasing domestic abusers is a problem, but Labour has repeatedly called for domestic abusers to be exempt from the scheme to release prisoners early. His Government have shamefully ignored those calls. Now that we have the evidence that domestic abusers are being released early—the Lewes report—will he finally change course and back Labour’s calls?

The Prime Minister: I have been crystal clear. There is an absolute governor lock on people who are put on the scheme, in contrast to the last Labour scheme. Prisoners were let out with no supervision, no electronic tags. In fact, 80,000 offenders were let out—16,000 were violent, leading to multiple murders committed. We fixed that system. When it comes to this question, not only are we building the biggest prison programme in history, but we are deploying rapid deployment cells. On the Conservative Benches, we understand the importance of prison, unlike one of his Front Benchers, who said, “Prison doesn’t prevent crime”. It is always the same with the Labour party: soft on crime and soft on criminals.

Keir Starmer: The Prime Minister is literally letting criminals out early. The only answer to the question that I have asked—whether domestic abusers should be exempt from his early release scheme—from anyone who is serious about security is yes.

Perhaps the most ludicrous part of the Prime Minister’s speech on Monday was when he said that he would not accept the idea that any of the problems people were facing had been caused by 14 years of Conservative Government. He will not say how many prisoners the Government have released early; he will not say whether they are burglars, abusers or stalkers; he will not say where they are or what support their victims are getting. Yet he thinks he has the right to tell people that they cannot blame his Government for any of it. Does he not think that, rather than confiscating lanyards like some jumped-up milk monitor, he should stop issuing “Get out of jail free” cards to prisoners who are considered to be a risk to children?

The Prime Minister: Another week with no ideas and absolutely no plans for the country! The Opposition have had 14 years to think about nothing but the future, but all they can do is talk about the past.

I am surprised that the Leader of the Opposition did not bring up what has happened in the week since we last met. Statistics have confirmed that we have had the joint fastest growth rate in the G7 this year. The Bank of England has said that the economy has “turned a

corner”, EY has said that our growth is “impressive”, and the chief economist at the independent Office for National Statistics has said that

“the economy is going gangbusters.”

The shadow Chancellor may want to copy and paste their comments into her next speech—or does she think that they are all “gaslighting” the British public too?

Q3. [902822] James Morris (Halesowen and Rowley Regis) (Con): While I understand the need to upgrade our broadband infrastructure, it cannot be right that a company called BRSK is proposing to erect telegraph poles at the Squirrels estate in Hayley Green, in my constituency. The residents are 100% opposed to these proposals, which go against the guidance. Does the Prime Minister agree that BRSK should abandon its proposals, that there should be a review of permitted development rights in relation to this type of infrastructure, and that he should give Ofcom more power to investigate breaches?

The Prime Minister: I thank my hon. Friend for rightly championing the views of his constituents on this important topic. Network operators must follow legal obligations when deploying their networks and Ofcom can, in fact, investigate reports of failure to follow those obligations. I know that the Minister for Data and Digital Infrastructure, my hon. Friend the Member for Hornchurch and Upminster (Julia Lopez), met representatives of the sector and Ofcom recently to raise concerns about reports of poor pole siting and asked operators to share infrastructure, and I will ask her specifically to give my hon. Friend a more detailed update.

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

Stephen Flynn (Aberdeen South) (SNP): On Monday, the Prime Minister outlined what he considers to be extremist threats to our society, and in doing so he actively compared North Korea, Iran and Russia with those people in Scotland who believe in independence, so can I ask him to rise, once, to the standards befitting his office, and apologise for those puerile and pathetic remarks?

The Prime Minister: That is not what I said, but I will say to the hon. Gentleman that his party is indeed a threat to the integrity of the United Kingdom. I hate to remind him that that is literally its entire purpose. When the people of Scotland accepted the referendum result in 2014, it was the SNP that didn’t. It went on creating a Minister for independence, focusing on constitutional wrangling and ignoring the needs of the people. Education standards are falling and taxes are rising. It is the right hon. Gentleman who should finally do the right thing: end the obsession with independence, and put the needs of the Scottish people first.

Stephen Flynn: Let us be clear. What the Prime Minister did was not just equate my colleagues and I to dangerous despots across the world; he proactively compared almost half the Scottish population to a war criminal like Vladimir Putin, and he did so as their Prime Minister, as the man who represents them on the world stage and as the man who on these isles is tasked with defending

their liberties and their democracy. We know that his sorry time in office is rapidly coming to a conclusion, but is this really how he wants to be remembered?

The Prime Minister: As ever, the right hon. Gentleman is distracting from the actual record of what the SNP is doing in Scotland. This obsession with independence means that Scottish schoolchildren are being let down, plummeting down international league tables; the Scottish NHS is the only place in the United Kingdom where funding is actually falling in real terms; and taxes are going up for ordinary hard-working families and small businesses. That is what the SNP is doing in Scotland while this UK Government are delivering for them.

Q4. [902823] Steve Tuckwell (Uxbridge and South Ruislip) (Con): Will the Prime Minister join me in congratulating Uxbridge College, which has recently entered into a pioneering partnership with the Massachusetts Institute of Technology? This is groundbreaking work for the further education sector and it will have great benefits for local businesses and local students, and for the education sector and the local economy.

The Prime Minister: I join my hon. Friend in congratulating Uxbridge College and the West London Institute of Technology on their collaboration with MIT. This is equipping students with the skills of the future that local businesses require, and that is very much the story of this Government, with the biggest long-term settlement for post-16 education in this country in years and a proud record of creating over 5.5 million apprenticeships since 2010—providing opportunity for all, while the Labour party wants to halve the number of apprenticeships and put a brake on people’s aspirations.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): My party, Plaid Cymru, has secured a crucial win for our farmers as Labour in Wales is forced to pause the sustainable farming scheme. We have done our bit for farmers; now it is time the Prime Minister did his. Harmful trade deals and Brexit checks are hitting our world-famous Welsh lamb and beef. Will he therefore guarantee to Welsh farmers that he will never again sign a deal that threatens their interests?

The Prime Minister: If the right hon. Lady cares about Welsh farmers, perhaps she should stop propping up the Welsh Labour Government. It was actually the work of the Welsh Conservatives that ensured that there was a spotlight on the Labour Government’s proposals in Wales, which would have led to thousands of job losses and less food security for our country, and destroyed rural incomes. Farmers rightly described it as “bleak”, “damaging” and “shocking”, just like the Labour party’s approach to rural Britain.

Q6. [902825] Theresa Villiers (Chipping Barnet) (Con): Barnet Hospital’s A&E is expanding, Finchley Memorial Hospital has had its diagnostics hub boosted by new equipment and there are more appointments in general practice locally than there were before the pandemic, but I still have constituents who are waiting too long for NHS care, so can I urge the Prime Minister to redouble his efforts to grow the NHS workforce and get waiting times down?

The Prime Minister: I am delighted to hear about the new community diagnostics centre at my right hon. Friend's local hospital. We are working tirelessly to reduce the overall NHS waiting list, which has come down by around 200,000 since September last year. That is an achievement in light of the pressures from industrial action, but she is right: there is more to do. Our productivity plan will free up clinicians to spend more time with patients and, to her point, our long-term plan for the NHS will ensure that we train more doctors and more nurses to meet the workforce requirements of the NHS for the future.

Q2. [902821] Richard Burgon (Leeds East) (Lab): Thirty thousand Palestinian deaths are not enough to move this Prime Minister to end arms sales to Israel. The killing of British aid workers is not enough to move the Prime Minister to end arms sales. It even seems that an all-out assault on Rafah, with all the death and destruction that would entail, would not be enough for him, unlike the US, so just what on earth would be enough finally to move this Prime Minister into the same position as the majority of the British public and end arms sales to Israel?

The Prime Minister: I point out to the hon. Gentleman that, unlike the US, the UK Government do not directly sell arms to Israel, and neither do the UK Government offer any military lethal aid packages to Israel, as the US does. He should not conflate these issues.

As part of the Government's robust arms control regime, we regularly review advice to ensure compliance with international law, and Ministers act in accordance with that advice. As the hon. Gentleman knows, our position with regard to export licences is unchanged following the most recent assessment, and it is, indeed, in line with other partners, including the United States.

Q7. [902826] Philip Dunne (Ludlow) (Con): As a member of the Commonwealth War Graves Commission, I am delighted that the Prime Minister found time yesterday to ignite the light of liberation at the start of its journey to Normandy to commemorate the sacrifices made for the liberation of Europe. In this War Graves Week, will my right hon. Friend join me in confirming that standing up to tyrants who bring about war in Europe is as much in our national interest today as it was 80 years ago?

The Prime Minister: I thank my right hon. Friend for his work as a commissioner on the Commonwealth War Graves Commission. He raises an important point about authoritarian states with different values from ours becoming increasingly assertive. It is right that we build our security in uncertain times to defend and protect our country, our values and our interests. That is why we made the generational decision to increase our defence spending. It is crystal clear that only the Conservative party can be trusted with our nation's security.

Q5. [902824] Wendy Chamberlain (North East Fife) (LD): On 2 June, the Levenmouth railway reopens after years of community campaigning but, just at that point, TSB has announced that it is closing its Leven bank branch. Bank losses hollow out communities and are an impediment to small businesses. Cash Access UK has said that it will roll out 100 banking hubs by the end of the year, and the Financial Conduct Authority is consulting, but

does the Prime Minister accept that the Government have been too slow on this? What else will he do to prevent banking deserts from emerging?

The Prime Minister: As I have repeatedly said from this Dispatch Box, it is imperative that banks and building societies recognise the needs of all customers, including those who still need to use in-person cash services. That is why we legislated to protect access to cash as part of the Financial Services and Markets Act 2023. As a result, customers can access cash and banking services through a wide range of channels, including post offices, ATMs and telephone and community initiatives such as banking hubs.

Q11. [902830] Alberto Costa (South Leicestershire) (Con): Double child rapist and murderer Colin Pitchfork is having yet another parole hearing in the next few weeks. As well as the brutal murders, this man exposed himself to over 1,000 girls and women. As the MP for South Leicestershire, I distributed a constituency-wide survey asking my constituents about Parole Board reform. The problem is that the reconsideration mechanism rules allow Mr Pitchfork to ask for a reconsideration of a reconsidered decision limitless times, and it is cost-free to him. Will the Prime Minister arrange a meeting between me and the Justice Secretary to discuss necessary changes to the reconsideration mechanism rules? Will he arrange for me to deliver the findings of the survey, to which thousands of constituents responded, to his No. 10 policy team?

The Prime Minister: I commend my hon. Friend for his tireless campaigning on this case. I know the whole House will join me in recognising the horror of the crimes committed by Colin Pitchfork and in sending our condolences to the victims' families.

We are reforming the parole system to add a ministerial check on the release of the most dangerous criminals, and we are changing the law so that, for society's most depraved killers, life means life. I will, of course, arrange for the findings of my hon. Friend's survey to be properly considered, and I will ensure that he meets the Justice Secretary to discuss his proposals further.

Q8. [902827] Dr Rosena Allin-Khan (Tooting) (Lab): In Gaza, Israel has attacked hospitals, attacked refugee camps and killed aid workers. Israel has blocked vital aid, turned off water supplies and denied access to food. Israel has killed thousands upon thousands of innocent civilians as the world watches, trampling all over international humanitarian law. No other country would be allowed to act with such impunity. Why does the Prime Minister allow Israel to get away with it unchallenged? And why does he continue to act as a bystander to such horror?

The Prime Minister: We do support, and I do support, Israel's right to defend itself and remove the threat that Hamas, the terrorist organisation, pose to its people. But I am also deeply concerned about the growing humanitarian crisis in Gaza, and I have consistently made that point at this Dispatch Box and to Prime Minister Netanyahu. We must see further action to ensure that more aid gets to people who desperately need it; the Rafah and Kerem Shalom crossings must be open to allow more aid in. We are doing everything we

can, trebling our investment; trying to get aid in by land, air and sea; and currently working with allies to build a temporary pier. The hon. Lady can rest assured that the Government will continue to do everything we can to get support to the people in Gaza who need it.

Q12. [902831] Virginia Crosbie (Ynys Môn) (Con): Last week, along with apprentices from the nuclear fuel company Urenco, I visited Coleg Menai in Llangefni. The students were excited, but they need certainty about the future of Wylfa before they commit to a career in nuclear. Will the Prime Minister confirm when Great British Nuclear will decide whether Wylfa will be a gigawatt or a small modular reactor site, when my students can expect to see spades in the ground and when his brilliant nuclear Minister, the Under-Secretary of State for Energy Security and Net Zero, my hon. Friend the Member for West Aberdeenshire and Kincardine (Andrew Bowie), will be able to visit Wylfa again to announce some good news?

The Prime Minister: My hon. Friend the Member for Ynys Môn (Virginia Crosbie) is a tireless campaigner for the Wylfa nuclear site in her constituency. As she knows, at the spring Budget the Chancellor announced that Great British Nuclear has reached an agreement to purchase the site at Wylfa, and it and one other site will be vital to achieving our aim of more energy security from nuclear power. Decisions have not yet been made on the final sites to be used, but, as ever, she makes a very strong and compelling case for her area. I know that as soon as a decision has been made the Energy Secretary will be keen to update her at the earliest opportunity.

Q9. [902828] Rebecca Long Bailey (Salford and Eccles) (Lab): In March, the Parliamentary and Health Service Ombudsman's report on 1950s women's state pension injustice made it clear to the Government that the Department for Work and Pensions was guilty of maladministration; that these women had suffered significant injustice; that they were owed compensation; and that Parliament must urgently identify a mechanism for redress. Nearly 279,000 women have already died waiting for justice, so when will the Prime Minister finally place before this House a mechanism for appropriate redress?

The Prime Minister: As I said to the House last week, I understand the strong feelings across the Chamber about these matters and the desire for urgency in addressing them. Following the ombudsman's multi-year investigation, it is imperative that we take the time to review the findings thoroughly; I am not entirely sure I agree with the hon. Lady's characterisation of all of them so far. Broadly, we are committed to making sure that pensioners have the dignity and security that they deserve, including through the triple lock, which is increasing pensions by £900 this year. I welcome tomorrow's debate on the ombudsman's report and we will, of course, take all views into account as we identify and implement next steps.

Q13. [902832] Derek Thomas (St Ives) (Con): I know that my right hon. Friend the Prime Minister takes a personal interest in community pharmacy. Community pharmacists play an essential role in reducing pressure

on urgent care services by helping people prevent ill health and manage long-term conditions. Pharmacy First is a good example of Government commitment to community pharmacy. However, community pharmacies are under extreme financial pressure and some are closing, including in St Ives. This year, 177 pharmacies have closed, which compares with a figure of 116 in the same period in 2023. Will he do everything he can to ensure that funds are directed toward community pharmacy, so that our pharmacy friends can help the Government to deliver NHS services where and when they are most needed?

The Prime Minister: As my hon. Friend knows, I care deeply about the future of our community pharmacies. There are over 10,500 community pharmacies across the country and they are working incredibly hard to serve their patients. I am pleased that about 80% of people live within a 20-minute walk of a pharmacy. That is why we are backing them with Pharmacy First, with £645 million of extra funding, whereby people can now go to see their pharmacist, rather than their GP, to get treatments for the seven most common ailments, such as ear infections and the like. Not only will that ensure that they can get treatments closer to home, but it will help to deliver our plan to cut waiting lists and get people the care they need more quickly.

Q10. [902829] Mary Glendon (North Tyneside) (Lab): Three North Tyneside schools have been identified as having a structural problem—not reinforced autoclaved aerated concrete—and hundreds of pupils are now being taught off site. The costs of putting those schools right significantly outweigh the £3.5 million school condition allocation funding for all of North Tyneside. Will the Prime Minister ensure that the Department for Education applies this policy: if it is alerted to significant issues with a building that cannot be managed with local resources, it will provide additional support on a case-by-case basis?

The Prime Minister: I thank the hon. Lady for raising the case. As she knows, the Department for Education has provided extensive support and funding to all those schools that have RAAC, which in the end was less than 1% of all schools that could have been affected. More generally, there is the very significant amount we are investing in school rebuilding and maintenance. I am sure the Education Secretary will have heard her concerns and will write to her in due course.

Q14. [902833] Greg Smith (Buckingham) (Con): The clear message from yesterday's Farm to Fork summit is that food security matters. As we await today's written statement on ground-mounted solar, can my right hon. Friend assure me that proposed solar installations in my constituency, which would cover thousands of acres of agricultural land—from a 2,100 acre installation in the Claydons, called Rosefield, to smaller but equally destructive ones, such as the one proposed for an area near the village of Kimblewick—now have less chance of getting approved?

The Prime Minister: My hon. Friend is absolutely right to raise this. Particularly at a time of increasing geopolitical risk, we must protect this nation's food security and our most valuable agricultural land. We

can achieve our solar deployment targets by using brownfield sites and rooftops away from our best farmland. I know he looks forward to the Energy Secretary's statement later today, which will ensure we avoid using our best agricultural land. Like him, I agree that we should be backing British farmers to produce more food. That is good for our country, our economy and our food security.

Q15. [902834] Helen Morgan (North Shropshire) (LD): I have seen for myself the mouldy and damp accommodation that our military families are sometimes forced to live in, so I was disappointed this week to find out that the officer in charge of accommodation wrote to families this month to say that requests for non-urgent repairs are not currently affordable. The Prime Minister has spent this week claiming that defence is a priority, so when will he prioritise a safe, warm and decent home for the servicemen and women who put their life on the line for us?

The Prime Minister: We are committed to ensuring that our armed forces personnel and their families have safe and well maintained accommodation. At this point, 96% of service family accommodation meets or exceeds the Government's decent homes standard. Last year, we put aside an extra £400 million of investment to improve things. The Ministry of Defence has set up a dedicated hotline to ensure that when issues are reported, those complaints are investigated by a professional surveyor. I know there have been several improvements made specifically to accommodation in the hon. Lady's area. We are able to continue backing our armed forces personnel and the job they do for us because the Conservative party is the only party in this place that is committed to increasing our defence spending.

Theo Clarke (Stafford) (Con): This week, the all-party parliamentary group on birth trauma published our first report, called "Listen to Mums: Ending the Postcode Lottery on Perinatal Care". This was the first national inquiry by cross-party politicians on the issue. We received more than 1,300 testimonials from the public. I thank the Health Secretary for attending our report launch on Monday. I am delighted that she has agreed to our headline recommendation for a national comprehensive maternity strategy, to be published by NHS England. Will the Prime Minister fully back our report and implement all our recommendations, to ensure that all mothers in this country get the aftercare that they deserve?

The Prime Minister: I thank my hon. Friend for her incredible campaigning on this issue. When we met and discussed the issue, she presented me personally with a copy of this important report. I am hugely grateful to her and the APPG on birth trauma for carefully considering the issue, and to all the brave women who have come forward to share their stories. I am delighted that the Secretary of State for Health and Social Care and the chief executive officer of the NHS both support the overarching recommendation for a comprehensive national strategy to improve maternity services. We will update the House on next steps in due course, but we are fully committed to improving the quality and consistency of care for women throughout pregnancy, birth and the critical months that follow.

Nadia Whittome (Nottingham East) (Lab): When adult rape cases take two years, on average, to complete, it is no wonder that 62% of all rape survivors drop out of the process. Given that just 2.5% of rapes recorded last year resulted in a charge and fewer still will end in conviction, it is no wonder that the Victims' Commissioner, Rape Crisis and others have argued that rape has been effectively decriminalised in this country. Is the Prime Minister not ashamed that, because of his Government's failings, victims and survivors are being put through a living hell in our criminal justice system?

The Prime Minister: While it is right that the hon. Lady raises this incredibly important topic, I completely disagree with her characterisation of how this Government have treated it. It is actually this Government who previously introduced the rape review action plan, which is now showing significant improvements in how we treat rape, end to end, through the criminal justice system. Violence against women and girls is now a strategic policing requirement for the first time ever. We have rolled out Operation Soteria, so that police forces have the expertise that they need. We have actually quadrupled funding for victim support, with more independent domestic sexual violence advisers. There is new 24/7 support for victims. We have ended the digital strip search and provided pre-trial cross-examination. All of that has meant improvement to the process, and we have seen an increase in the average sentence for rape by a third since Labour was last in office—and by the way, Mr Speaker, we did that using a power that the hon. Lady's party voted against.

Ukraine and Georgia

12.35 pm

Jim Shannon (Strangford) (DUP) (*Urgent Question*): To ask the Secretary of State for Defence if he will make a statement on Russia's aggression relating to Ukraine and the situation in Georgia.

The Minister for Armed Forces (Leo Docherty): We are on day 811 of Putin's so-called special military operation—an operation that was supposed to last for three days—and he has failed in all of his objectives. The conflict is, of course, evolving and challenging. Russia's newly formed northern grouping of forces has attacked Ukraine's Kharkiv region, taking control of several villages. By opening up an additional axis of attack, Russia is almost certainly attempting to divert Ukrainian resources away from other parts of the frontline and to threaten Kharkiv, the second largest city in Ukraine.

We will not be diverted from our commitment to providing Ukraine with the support that it needs to prevail—because Ukraine will prevail. In April, the Prime Minister announced our largest-ever and most comprehensive package of equipment from the United Kingdom, including equipment relating to long-range strike, air defence, artillery, reconnaissance, protected mobility, development of Ukraine's navy, airfield enablement, and munitions to support the introduction of the F-16.

The Prime Minister has also announced £500 million of additional funding, which takes us to £3 billion of military aid to Ukraine this financial year. We continue to work with international allies and partners to ensure coherence, and to co-ordinate our support to Ukraine, including through the international capability coalitions; we co-lead the maritime and drone coalitions. We recently announced a complete package of £325 million for cutting-edge drones. That will deliver more than 10,000 drones for the Ukrainian armed forces.

In March, we were pleased to congratulate the first 10 Ukrainian pilots who completed their basic flying training in the United Kingdom. Those trainees join more than 65,000 Ukrainians who have received training in the UK since 2014, including more than 39,000 recruits trained since 2022 through Operation Interflex.

Turning to Georgia, we continue to observe with concern the events in Tbilisi, including yesterday's violent clashes in and around the Georgian Parliament and the intimidation of peaceful protesters. The United Kingdom, along with our partners, is committed to the right of peaceful protest, and we are concerned about the introduction of the law on transparency of foreign influence. The UK is a close friend of Georgia, and as such, we call for calm and restraint on all sides. We hope to continue to work with Georgia, with which we have a deep and long-standing partnership, and to support the legitimate aspirations of the Georgian people, as they pursue a free, sovereign and democratic future.

Jim Shannon: Thank you, Mr Speaker, for granting a UQ on this important issue; it is much appreciated. I also thank the Minister for his helpful response, and all right hon. and hon. Members who have stayed in the Chamber.

We woke up to reports of Ukraine attempting to push back in the Kharkiv region, and then heard the Russian Defence Ministry claim that its air forces have destroyed 10 long-range missiles, known as ATACMS—army tactical missile systems—that Ukraine's military launched at Crimea overnight. The media reporting may have settled down, but the situation there is as volatile as it has ever been, and the ripple effect across the entire region continues. Secretary Blinken from President Biden's Administration is visiting Ukraine to give it physical and military assistance and encouragement. The Minister will know that Georgia is also pushing forward legislation, as Russia tries to restore its empire of old and control all its former satellite states.

The Russian threat is clearly undermining democratic processes in the entire region. I understand and agree with the UK's clear public stance of support for Ukraine, and I congratulate the Government and the Minister on what has been done, and what will be done in future, but the situation demands further action. I am keen to get the Minister's response on what that further action will be. Will he make clear what further, enhanced help we can give to facilitate the democratic process, aside from our vital military aid to the region? The war that began in 2022 is on the precipice. How can we ensure that the result is a victory for democracy and freedom—not simply for Ukraine but for Georgia, and for all of us globally?

Leo Docherty: I am grateful to the hon. Gentleman for asking an extremely good and valid question that puts the issue of Ukraine in regional context—in the context of the influence that Russia has sought to exert over its former satellite states. He is right that the frontline in Ukraine is turbulent. A full picture is yet to emerge, but we can be certain of our continued resolve to ensure that our Ukrainian friends prevail; that is the unavoidable direction of travel. The ongoing visit of Secretary Blinken reminds us of the remarkable heft and scale of western support, in which we play our part very proudly. The resolute support of the friends of Ukraine will help it to prevail, despite turbulence and Russia's attempts to create a new dynamic on a very turbulent frontline.

The hon. Gentleman asks cogent questions about Georgia. He is right that Georgia knows more than any other country about the depredations of a Russian invasion, following the horrifying events of 2008. We are clear that Georgia has the sovereign right to pursue its own autonomous path. If it seeks to turn its eyes to the west—towards NATO membership, and maybe membership of the European Union—it is the sovereign right of Georgia to forge its own destiny. We will continue to co-operate in earnest and sincere partnership with the Georgians, with whom we have a very meaningful defence relationship. I have had the pleasure of visiting Tbilisi twice as a Foreign Office Minister, and of seeing the tremendous institutional work that we do with the Georgians, who have a fine defence tradition.

Mr Speaker: I call the Chair of the Intelligence and Security Committee.

Sir Julian Lewis (New Forest East) (Con): Do the Government share my view that just as Soviet failure in Afghanistan led, to a considerable extent, towards the downfall of the Soviet empire, Putin's failure in Ukraine

[*Sir Julian Lewis*]

could have a similar effect on his future and ambitions; and that it is no coincidence that this renewed Russian attack takes place before the aid that America has belatedly decided to give Ukraine has had a chance to arrive?

Leo Docherty: The answer is yes. One can see the extraordinary mobilisation of the Russian state and society, and the huge expenditure that Putin is having to incur to maintain momentum in his failed military operation, as confirmation of long-term weakness.

Mr Speaker: We now come to the shadow Minister.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I thank the hon. Member for Strangford (Jim Shannon) for securing this urgent question. It is 811 days since Putin began the full-scale illegal invasion of Ukraine. Russia has opened a renewed offensive in the Kharkiv region, but Ukrainians are continuing to fight with huge courage. The UK is totally united in support of Ukraine. The shadow Defence Secretary and shadow Foreign Secretary were in Kyiv for the last two days, and reaffirmed that Labour's commitment to Ukraine is ironclad.

If Putin wins, he will not stop at Ukraine. That is why the Government have had, and will continue to have, Labour's fullest support for military aid to Ukraine and for reinforcing NATO's allies across eastern Europe. Every commitment of UK military aid since Putin invaded has had Labour's fullest support, and that will continue. With a general election later this year, there may be a change in Government, but there will be no change to Britain's resolve in standing with Ukraine, confronting Russian aggression, and pursuing Putin for his war crimes.

On Georgia, we are deeply concerned by the increased pressure on civil society freedoms and by the intimidation of protesters. The proposed draft law is not in line with democratic values, and risks taking Georgia away from the Euro-Atlantic aspirations of the Georgian people. What discussions has the Minister had with the US, the EU and other regional partners on the latest developments in Georgia? Is the UK putting Georgia on the agenda for the G7 meeting in Italy and the upcoming European Political Community meeting? What steps is he taking with our allies to counter Russian disinformation and hybrid activities in Georgia and across the Caucasus, the western Balkans and the rest of Europe?

What support has been given to help Ukraine build up its air defences to stop air and drone strikes on critical infrastructure, especially in the Kharkiv region? How much of the money committed to the international fund for Ukraine has been spent and how much is left to be spent? The UK will stand with the Ukrainians for as long as it takes for them to win.

Leo Docherty: I am glad that the hon. Gentleman pointed out the remarkable courage of our Ukrainian friends in their efforts to counter the new axis of advance in the Kharkiv region, and we sincerely welcome the continued cross-party support for Ukraine.

The hon. Gentleman expressed a concern, which we share, about the new law passed in Georgia. That is on the agenda of our discussions with allies; it is beyond

my scope to comment on what might be on the agenda for the G7 or the EPC, but it is certainly an issue of concern that we discuss with trusted partners, and we have done so very frequently recently.

A huge amount of institutional effort from our side is going into countering disinformation across the entire region, as well as in the western Balkans and central Asia—the former so-called satellite states of Russia, which have a particular vulnerability to disinformation from the Kremlin. I will not go into detail about that effort, but it is a significant piece of work and will continue to be important.

The hon. Gentleman asked a good question about air defence. We have gifted thousands of units of air defence to Ukraine. There will surely be more to come. The uplift in financial support that we have announced will clearly be an issue for the Ukrainians through our gifting programme, and air defence will feature heavily in that.

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

Alicia Kearns (Rutland and Melton) (Con): I congratulate the hon. Member for Strangford (Jim Shannon) on securing this important urgent question.

The brutalisation of peaceful, ordinary Georgians and the hospitalisation of opposition leader David Katsarava are utterly shameful. Can the Minister assure us that he will protest directly to the Georgian Government and call in the ambassador regarding the abuses of the public that we are seeing on our screens daily?

On Ukraine, the fall of Avdiivka at the start of this year was the shameful result of allied inaction on getting Ukraine what it needed. That falls on us. We cannot now see the same take place in Kharkiv, which is under assault for the reasons set out already in this discussion. Can the Minister please assure us that sufficient ammunition is reaching the frontline now and update us on what we are doing to procure sufficient artillery shells? Ukraine, as ever, needs us to give it enough to win and not just to survive.

Leo Docherty: We of course express our concerns about the direction of travel with regard to protest in Georgia. I know that the Foreign Office has made representations to the ambassador here and will continue to keep a watching brief on that issue.

My hon. Friend asks about Kharkiv. Of course, ammunition supply is a central component of our effort, both politically and in terms of what we are gifting and sourcing. We have given over 300,000 units of ammunition. However, we acknowledge that we must all, in the coalition of friendly western nations, mobilise to a far greater degree. That is why we think that initiatives coming from the Czech side and across all European and NATO partners are important. We must strain every sinew to ensure that the flow continues.

Mr Speaker: I call the SNP spokesperson.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): Those of us on the SNP Benches join the cross-party support, and I congratulate the hon. Member for Strangford (Jim Shannon) on securing the urgent question.

To follow the question from the Chair of the Foreign Affairs Committee on what more we can do for Ukraine, does the Minister agree that now is the time for the UK to join other NATO allies in supporting the Czechia munitions programme, on top of what has already been provided?

On Georgia, the Government state that their aim is “to advance Georgia’s Euro-Atlantic integration through...security cooperation and support for democratic reforms.”

Given the Dream party’s lurch away from democratic reform, how stable is that integration and security co-operation? Does the Minister agree that it is time for the people of Georgia to have their say on the Dream party’s agenda?

Leo Docherty: We have not joined the Czech programme because it would replicate work that we are already doing, but we commend its activities and see it as part of a broader solution to mobilise effort to increase the flow of munitions, so it is welcome.

Clearly, the political future of Georgia is a question for Georgians themselves, but we note that there is a lively debate, which has of course spilled out on to the streets of Tbilisi, about the direction of travel. I agree with the hon. Gentleman that the direction of travel—whether Euro-Atlantic or anything else—should be a function of the democratic expression of the people of Georgia.

Sarah Atherton (Wrexham) (Con): I applaud the number of personnel trained under Operation Interflex, but does the Minister support my call to extend that operation to train Ukrainian female defender volunteers?

Leo Docherty: Yes, of course. We will train whoever the Ukrainians send us.

Sir Chris Bryant (Rhondda) (Lab): I warned in 2014 that if we kept on feeding the crocodile, the danger was that we would be last on the menu. That is why it is so important that we get the next steps right over the next two years in making sure that Putin does not win in Ukraine. Two things still perplex me. First, why have we and our allies, as a united team, not dramatically ramped up the production of the artillery that Ukraine actually needs? Secondly, why have we yet to seize Russian state assets sitting in British and European banks to repurpose them for reparations to pay for the reconstruction of Ukraine?

Leo Docherty: We are ramping up the production of artillery right across Europe and in states beyond Europe. That is a complex effort involving the military industrial base. Those steps are in place, and I am confident that we will see an increase in supply. The hon. Gentleman asks about state assets. Of course we want that to be the outcome, but the route must be legal.

Mr Mark Francois (Rayleigh and Wickford) (Con): We in Britain, relative to the size of our Army, have given more military equipment to Ukraine than anyone. We have now given the Ukrainians all our heavy artillery to help them fight. Kharkiv cannot be allowed to fall. But let us be honest: all the kit that the Ukrainians needed to have won this war already—from F-16s to long-range missiles—has been sitting in American storage depots for two years. When will we get it through to the

occupant of the White House that if he carries on dithering and the Russians take Kharkiv, not only do the Ukrainians lose, but he loses, too—literally?

Leo Docherty: My right hon. Friend makes a pertinent and correct point. Of course, we led as hard as we could in the aftermath of the invasion, and we led the way with the critical provision of systems such as NLAW—the next generation light anti-tank weapon. Historians will reflect on whether the months following the invasion were an opportunity missed to give a decisive advantage to our Ukrainian friends, but our focus now is on ensuring that, in the round and overwhelmingly, the combined effect of the huge package from the United States, as well as ours and that of all friendly nations, can ensure that the Ukrainians maintain their defence and, ultimately, liberate their sovereign homeland.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Some time ago, I asked the Prime Minister about our relationship with Turkey. We might have some issues with Turkey, but the fact remains that, as it is geographically next door to Georgia, its strategic position is crucial. Furthermore, Turkey has important links with many of the players in this deeply dangerous situation. What conversations is the Foreign Office having with Ankara about resolving this situation?

Leo Docherty: I think I can answer on behalf of my cross-departmental colleagues by saying that there are many conversations. We recognise the centrality of Turkey’s importance as a strong NATO ally and a nation with tremendous military confidence. It has also made a remarkable contribution to the defence of Ukraine’s sovereignty by the provision of the remarkable Bayraktar weapons system.

Mark Pritchard (The Wrekin) (Con): I welcome the fact that the Minister says that the UK Government want to continue working with Georgia—that is quite right—but is he aware that Jim O’Brien, the senior US State Department official, said yesterday that the relationship between the US and Georgia could be at risk and reviewed, and that financial and travel restrictions could be imposed? Is it not the case that all that could be avoided if the Georgian Government dropped the foreign agents law, or at least amended it significantly?

Leo Docherty: My right hon. Friend, who speaks with authority, is right in his analysis. Of course we note the US view, and we have expressed our concerns. We will continue to use our strong relationship with the Georgians to ensure that they amend, for their own interest, their behaviour.

Alex Sobel (Leeds North West) (Lab/Co-op): Leeds’ sister city is Kharkiv. The people of Leeds are gravely concerned that the invasion of Kharkiv is imminent. Colleagues have already asked about artillery shells, which are in short supply, but even bullets are in short supply. What is the UK doing to supply the Ukrainian defence of Kharkiv with bullets? Are we upscaling humanitarian aid to Kharkiv and utilising it for the evacuation of civilians who want to leave? Will the UK Government supply additional visas for Kharkivians who want to come to the UK? The people of Leeds are ready to welcome them into their homes.

Leo Docherty: I am grateful to the hon. Gentleman for his question—I now realise Leeds is the sister city of Kharkiv, which is interesting. We are putting more money than ever before into lethal aid support for Ukraine—an additional £500 million will take our support this year to £3 billion, and a lot of that will go on munitions—but humanitarian aid is also significant and is an important part of the picture.

Sir Mike Penning (Hemel Hempstead) (Con): Like any bully, Russia will advance if it feels that the west is not supporting Ukraine. The Russians have seen that we in the west have not been supporting Ukraine enough because of the lack of ammunition going in. For any soldier, the supply of ammunition is—as the Minister is fully aware—crucial to confidence and morale. Can we give the biggest possible push to ensure that what the Americans have said is going to the frontline reaches it? I saw this morning that they said that some ammunition has already arrived. Has it already arrived, and what is the timetable for the rest? This is completely unfair on the armed forces out there.

Leo Docherty: My right hon. Friend's analogy of Russia as a bully is absolutely correct. We are focused on increasing ammunition supplies. My judgment is that the \$61 billion package from the US, combined with our additional support, will result in a tangible improvement in the operational situation on the frontline.

Jason McCartney (Colne Valley) (Con): As we know, Georgia, alongside Ukraine, aspires to join NATO. Does the Minister agree, therefore, that it is important that Georgia respects peaceful protest? On Ukraine, with the Russians closing in on being within artillery range of Kharkiv, what military support can we deliver now to prevent Russia from being able to bombard that city, which would be catastrophic for the civilian population?

Leo Docherty: I agree with my hon. Friend's analysis of Georgia's NATO aspirations—that is clear. The support we can give now is to continue our remarkable supply of lethal aid, particularly with regard to air defence.

Mr Ben Bradshaw (Exeter) (Lab): What Putin is doing in Georgia now is exactly the same thing that he tried to do in Ukraine 10 years ago, yet unlike the American Government, the British Government do not seem to be thinking of any recalibration at all with the current Georgian regime, which is beating up its own citizens in the streets of Tbilisi. Why has the Georgian ambassador in London not at least been summoned? What action, rather than just words, has been taken to make our views completely clear to the current Georgian Government that their behaviour and this legislation is unacceptable?

Leo Docherty: In truth, those are questions for my colleagues in the Foreign, Commonwealth and Development Office, but our analysis is that the strong relationship we have with the Georgians in the defence sector is an important means of ensuring that their direction of travel is a positive one.

Mr Gregory Campbell (East Londonderry) (DUP): There is growing concern across central and northern Europe about Georgia. Will the Minister have conversations

with colleagues in government to ensure that the commitment to NATO of our partners across Europe is increased, to prepare for the undoubted expansionism that Putin is currently engaged in and that he will probably step up in the coming months?

Leo Docherty: The answer is yes, Mr Speaker. Of course, the hon. Gentleman will have observed, as I have, that the consequence of Putin's effort to demonstrate NATO's weakness has been exactly the opposite: NATO is now larger and stronger than it was before February 2022. We will lead the way in ensuring that all members meet the investment required to be a member of that tremendous defensive alliance.

Rehman Chishti (Gillingham and Rainham) (Con): I congratulate the hon. Member for Strangford (Jim Shannon) on securing this urgent question. The United Kingdom has led the world in supporting Ukraine militarily, economically, diplomatically and politically, and as a former Minister with responsibility for sanctions, I saw the real impact that the United Kingdom could have with its partners in working together on this issue. There is, however, a real loophole within the international strategy to cut off Putin's finances: the United Nations peacekeeping force, of which we are a member, currently procures its military helicopters from Russia, so that money goes back into Putin's pockets. Were the Minister or the Government aware of that fact, and now that they are, will the Government raise it at the G7 to urgently ensure we cut off Putin's finances?

Leo Docherty: I am grateful to my hon. Friend for raising that point, and will ensure that my colleague, the Minister with responsibility for sanctions, takes it into account.

Lilian Greenwood (Nottingham South) (Lab): We are united in our determination to support Ukraine as it seeks to defeat Putin. Labour welcomed the creation of a new UK-Latvian drone capability coalition earlier this year and the UK's commitment to spend £200 million on drones for Ukraine. Can the Minister confirm when the first drones under that initiative will be delivered to Ukrainian forces?

Leo Docherty: Very soon.

Mr Jonathan Djanogly (Huntingdon) (Con): As chair of the all-party parliamentary group on Georgia, I have watched the demonstrations in Tbilisi with no little concern. Although I have noticed no new movement of Georgia towards Russia, as some have been suggesting—whether culturally, economically or militarily—it would appear that the current Georgian Dream Government are becoming more ready to use the apparatus of the state to suppress political dissent, free speech and the media, sometimes with violence. Will my hon. Friend impress on his Georgian counterpart, as an ally and a friend, that this is not how democratic countries behave if they wish to join western institutions and participate as a free democratic values country?

Leo Docherty: My hon. Friend is correct: Georgia must live up to the standard required if it is to be sincere about its democratic aspirations, and we do make that point to our friends in Georgia.

Dame Nia Griffith (Llanelli) (Lab): We are all rightly proud of the skills of our armed forces personnel and the training that they are providing for Ukrainians through Operation Interflex, but I understand that that programme is only designated up until this summer. Can the Minister confirm that it will continue for as long as it is needed?

Leo Docherty: Wholeheartedly, Mr Speaker. Our commitment to training our Ukrainian allies is enduring, and of course, we will always respond to the type and form of training that they themselves require.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): Events in the United States, and the understandable focus on the conflict in Gaza and the unacceptable loss of life there, have led some to argue that our support for Ukraine is wavering. Can the Minister seek to put a stop to that deliberate disinformation by setting out that our support for Ukraine is absolute; that we stand in solidarity with the Ukrainians in their fight against Putin's illegal aggression; and that in some respects they are battling on our behalf, because as we see, Putin's aggression will not stop with Ukraine? Given that, will the Minister also set out how we will ensure that the ammunition that is so desperately needed gets to the frontline as quickly as possible?

Leo Docherty: I welcome the hon. Lady's question. By any measure, our commitment to Ukraine is significant and unwavering—that was recently expressed by the increase in our annual support from £2.5 billion of lethal aid to £3 billion, and by the 100-year defensive alliance that the Prime Minister signed with President Zelensky on his recent visit to Kyiv.

Paul Girvan (South Antrim) (DUP): I thank my colleague and hon. Friend the Member for Strangford (Jim Shannon) for securing this urgent question. What help and support are we as a nation giving to those countries in eastern Europe, such as Estonia, that feel under threat from the potential threat of Putin wanting to expand back into what was formerly Russian territory?

Leo Docherty: That is a very good question. The support we are giving is welcoming those countries as brother and sister countries into the defensive NATO alliance. In our case, we are very proud to have our enhanced forward presence battle group in Tallin and Estonia. Any Members who have visited that battle group, as I have, know that there is a tremendous esprit de corps generated by the tremendous joint defensive work carried out by our British soldiers alongside their Estonian allies.

BILL PRESENTED

DELIVERY SERVICES (DRIVING LICENCE REQUIREMENTS) BILL

Presentation and First Reading (Standing Order No. 57)

Mr Barry Sheerman, supported by Debbie Abrahams, presented a Bill to require a person carrying out delivery services by motorcycle or moped to hold a full licence; to provide for penalties for an employer who employs a delivery rider who holds a provisional licence; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 21 June, and to be printed (Bill 218).

Sir Mike Penning (Hemel Hempstead) (Con): On a point of order, Mr Speaker. It has been my honour to be the MP for Hemel Hempstead for the past 19 years. Whenever I have had the opportunity, I have always tried to raise and honour the name of Captain Robert Laurence Nairac, George Cross, my captain in the 1st Battalion Grenadier Guards. He was lost, or captured—whatever way we want to describe it—on the night of 14 May. We think, although we do not actually know, that he was murdered the following day. Today is the anniversary.

It is right and proper that this House acknowledges the work of our armed forces, particularly on Op Banner, but we should recognise that Captain Nairac was a different sort of officer in many ways—I think we would all accept that. For instance, he broke my nose for the first time while sparring in the boxing ring, I must admit, but he also left six pints of Guinness on the NAAFI bar at the end of the evening because I gave him a good dig back. That was what he was about: he was in the armed forces and in Northern Ireland because he wanted to make a difference for the people of Northern Ireland. That is something that this House should respect.

Mr Speaker: First, may I say that I am grateful to the right hon. Gentleman for informing me that he would raise this matter? As he knows, it is not a point of order for the Chair, but the House will understand why he wanted to put that point on record, and he has done so eloquently, as he has done in previous years.

Richard Graham (Gloucester) (Con): Further to that point of order, Mr Speaker. I thank my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning), who almost every year has visited the church of St Mary de Lode in Gloucester in order to pay tribute to and commemorate the work done by Captain Nairac, GC, whose memory is also celebrated there through a stained-glass window in his honour. I am very grateful to my right hon. Friend for continuing to raise this matter year after year.

Mr Speaker: Once again, that is also not a point of order, but it is certainly on the record.

Child Sexual Abuse Material (Digital Devices)

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

1.9 pm

Mrs Pauline Latham (Mid Derbyshire) (Con): I beg to move,

That leave be given to bring in a Bill to provide for a power to require a person to grant access to their digital devices in the course of a lawful inspection under the Customs and Excise Management Act 1979 where there is a reasonable suspicion that the device may contain child sexual abuse material; to provide that refusal to grant such access constitutes an offence; and for connected purposes.

I begin by outlining the scale of the problem this Bill seeks to tackle. Up to 835,000 individuals in the United Kingdom represent a sexual risk to children, according to the national strategic assessment. We also know that 85% of online offenders are hands-on abusers, too. One in four girls and one in six boys are sexually assaulted before the age of 18. Child sexual abuse material—or CSAM—is abundant online, so much so that almost 30 million unique CSAM files are known to UK law enforcement, and the number is growing all the time.

The digital age has brought with it tremendous opportunities for advancement in many areas, communication has never been easier and the world has never been smaller, but as the world has become smaller, criminal networks have grown larger. Law enforcement is still having to play catch up, and as a result—tragically, unforgivably—more and more children are becoming victims to sexual predators.

The UK Border Force is our first line of defence against people travelling with the intent to cause harm, whatever that may be. Its search powers have been sufficient to stop terrorists and drug smugglers, but they are not sufficient to stop child abusers. That is because the law governing the scope of its search powers was drafted in the 1970s—long before the digital age. A single photo taken from one of today's smartphones could easily exceed the entire capacity of even the highest-spec 1970s floppy disk, then at the revolutionary cutting edge of computing. It was an era when it was not even conceivable that sexual predators would be travelling across borders with potentially thousands of illegal photos and videos in the palm of their hand.

The outdated law in question is the Customs and Excise Management Act 1979. It grants the power for a Border Force agent to search an individual and their baggage to detect the import or export of prohibited goods. Border Force does not require reasonable grounds to suspect that the individual is in possession of prohibited goods to utilise this power of search in a port environment. While existing powers permit Border Force to require an individual to present their baggage, including their digital devices, those powers do not extend to requiring a person to open that baggage—to unlock a device. If they refuse to do so when asked, there is nothing that Border Force can do.

In previous decades, CSAM would amount to a stack of polaroids, which were often unmistakable and readily detectable. Now all this material is carried digitally, and often behind encryption software and passcodes. To expand on this point, there have been several examples of lone individuals identified as possessing belongings

associated with the commission of sexual offences against children—for example, toys, lubricants, condoms and children's underwear. In these circumstances, where it is reasonable to suspect that the individual may be in possession of digital CSAM, Border Force cannot inspect the digital device unless the individual consents. Each time this happens, we could be letting a dangerous abuser into the United Kingdom undetected. As I mentioned in my Westminster Hall debate on the same subject late last year, even when notified, it can take weeks for the police to trace an individual, and there have been cases where a suspect has raped two or more young girls before being caught.

My Bill gives Border Force the power it needs to prevent this. Under it, an individual refusing to unlock their digital devices would be subject to arrest for a new offence of obstruction. If an international passenger of any nationality arrives in or departs from the UK and Border Force reasonably suspects the individual to be involved in child sexual abuse, Border Force officers will ask them to unlock their digital device so that they can perform a scan to determine, beyond any reasonable doubt, the presence of CSAM as verified by the Home Office's database. If the individual complies, the scan will take place, and if content is detected, the individual will be arrested under the 1979 Act. If they refuse, they commit an offence, and their devices will be seized and forensically examined by the police or the National Crime Agency.

I want to go into a little more detail on how the technology now available would be used, because I know that some hon. Members will have concerns about privacy. The power to search a device would be governed by a standard operating procedure whereby an inspection would be undertaken via a scan—not a download—that only searched a device's memory for a file code or hashtag associated with known CSAM files. These codes are held on a Home Office database containing nearly 30 million unique files. There would be no manual device inspection or collateral searches. This also means that Border Force officers would not be subjected to any horrific material themselves, as they would likely have been in previous decades. It is worth noting that a similar power already exists for the police in relation to terrorist material under schedule 7 to the Terrorism Act 2000.

With these new powers, Border Force would become a full part of the multi-agency response needed to help prevent the proliferation of CSAM online. It would also mean it could meet the recommendation of the independent inquiry into child sexual abuse to increase proactive detection of previously unidentified persons, and therefore safeguard children from new or further harm.

I mentioned earlier that over 800,000 people in the UK present a sexual risk to children. What I did not say is that very few of these individuals have been identified. With the new powers that I have outlined, Border Force will go from having a near-zero impact on locating offenders to playing an active role in preventing the sexual abuse of children. Furthermore, it will be able to prevent potential first-generation CSAM from making it on to the internet.

Detection at the border can be a starting point for further investigation, such as identifying other devices or items held at the suspect's home and looking into

other offences against young people. That is the case in New Zealand, a member of the Five Eyes intelligence-sharing group, which brought in similar powers for its border force under its Customs and Excise Act 2018. It reports a near 100% increase in intelligence-led interdictions against travelling child sex offenders since the law was passed.

To conclude, for many years I have campaigned against all forms of child abuse. In February last year, the Marriage and Civil Partnership (Minimum Age) Act 2022, which I sponsored, came into force. It means that it is illegal, under any circumstances, for a child under 18 to be married. We have brought an end to this form of abuse, but it is wrong that we still have laws so outdated that they allow sexual predators and abusers to escape justice. It is also a great frustration that we must expend serious parliamentary time and resources to enact what I believe is a simple and inarguable case. Passing this Bill would give the UK Border Force the ability to play an active role in identifying previously unknown individuals who may represent a danger to children. In doing so, we would be further protecting our children from the lifelong trauma that so often results from being the victim of sexual abuse. Child abuse is happening now, and these powers should be there to confront it.

Question put and agreed to.

Ordered,

That Mrs Pauline Latham, Mrs Sheryll Murray, Mr Ian Liddell-Grainger, Mrs Heather Wheeler and Martin Vickers present the Bill.

Mrs Pauline Latham accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 21 June, and to be printed (Bill 219).

**Criminal Justice Bill
(Programme) (No. 2)**

Motion made, and Question proposed,

That the Order of 28 November 2023 (Criminal Justice Bill: Programme) be varied as follows:

- (1) Paragraphs (4) and (5) of the Order shall be omitted.
- (2) Proceedings on Consideration and Third Reading shall be taken in two days in accordance with the following provisions of this Order.
- (3) Proceedings on Consideration—
 - (a) shall be taken on each of those days in the order shown in the first column of the following Table, and
 - (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings	Time for conclusion of proceedings
First day	
New clauses and new Schedules, other than new clauses and new Schedules to be taken on the second day; amendments to clauses 1 to 17, clauses 28 to 36 and Schedules 1 and 2, other than amendments relating to abortion.	Six hours after the commencement of proceedings on the Motion for this Order

Proceedings	Time for conclusion of proceedings
First day	
Second day	
New clauses and new Schedules relating to the police, policing and police powers, the prevention, detection and reporting of offences, management of offenders, proceeds of crime and property connected with criminal behaviour, serious crime prevention orders, begging, rough sleeping, anti-social behaviour, crime and disorder strategies, public order, retail crime or conversion practices, other than new clauses and new Schedules relating to abortion; amendments to clauses 18 to 27, clauses 37 to 89 and Schedules 3 to 9, other than amendments relating to abortion.	Three hours after the commencement of proceedings on Consideration on the second day
New clauses and new Schedules relating to abortion; amendments relating to abortion; remaining proceedings on Consideration.	Six hours after the commencement of proceedings on Consideration on the second day

(4) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—(*Joy Morrissey.*)

1.20 pm

The Parliamentary Under-Secretary of State for Justice (Laura Farris): It is an honour to open this debate and bring the Criminal Justice Bill back to the House for consideration on Report. This important legislation is focused—

Mr Deputy Speaker (Sir Roger Gale): Order. We are considering the programme motion. Does the Minister wish to speak to the programme motion?

Laura Farris: No.

Mr Deputy Speaker: Does anybody else wish to speak to the programme motion?

1.21 pm

Apsana Begum (Poplar and Limehouse) (Lab): I rise to speak to the programme motion, which was tabled yesterday shortly before the rise of the House. It relates to the consideration of hundreds of amendments and new clauses to a serious and substantial Bill. Indeed, they relate to some of the most fundamental issues affecting our constituents. Today there is a debate on amendments and new clauses that cover domestic abuse, human trafficking and the transfer of prisoners to foreign prisons, yet the House was made aware of that only yesterday evening. I am sure that Members across the House will have been up late trying their best to prepare, as I was, but my duty to my constituents compels me to place on the record my shock and worry about what this means, not only for parliamentary democracy but for the quality of legislation that will be passed.

Last week there was an absurd situation when we had a deadline for tabling amendments and new clauses, yet we did not know what business the debate would cover. Then, at my last count, 134 Government amendments were tabled virtually at the last minute. Those are not unsubstantial or merely technical amendments, but include

[Apsana Begum]

measures relating to new offences that would have potentially significant and wider reaching consequences for our civil liberties, and could even result in imprisonment.

These measures include further powers for the police to exercise without accountability. I do not need to remind the House that many of our constituents are very worried about the powers that the police already have and how they use them. It is no secret that trust in the police is already low, particularly among women, survivors and people from diverse backgrounds. Whatever the different views across the House, surely there is a consensus that measures of such significance, which could have severe and potentially life-changing consequences for our constituents, should not be passed without appropriate scrutiny, and without many of us even knowing of their existence. Accordingly, there has certainly been very little public awareness or debate.

As Members of Parliament, we have a profound duty to those who elect us regarding the scrutiny of legislation. This is not only about having a functioning democracy; this is about having workable and functioning laws. There are many questions about impact assessments, and we do not know what the full disabilities and equalities implications will be. For example, Government new clause 96 prohibits wearing or otherwise using an item for

“the purpose of concealing...identity”

in a locality designated by the police. Before even getting to a fundamental assessment of the measure as a whole, there are many questions and points of clarity that my constituents would want, at the very least, to be publicly established. For example, how will the provision impact Muslim women who wear the hijab or the niqab, because the phrasing refers to using an item “wholly or mainly” for such a purpose?

In closing, let me place on the record my alarm at this Government’s now fairly frequent tabling of large numbers of amendments on Report, and at the short notice, compressed time for debate and scrutiny, and what many of us experience as utter confusion regarding timetabling. That is a dangerous precedent to set, and it is not in the spirit of parliamentary democracy. I urge the Government to withdraw the extra substantial amendments and allow for the proper, democratic, sensible and transparent scrutiny that our constituents expect of us.

1.25 pm

Dame Maria Miller (Basingstoke) (Con): I rise to follow the hon. Member for Poplar and Limehouse (Apsana Begum). I understand the point she makes, but we would of course want to ensure that people listening to the debate are aware that there are two days of debate on the Bill—this week and next week—which I hope will afford some of the scrutiny that she is rightly calling for. I gently suggest to those on the Treasury Bench that they may want to hold one-to-one meetings with those of us who are interested in a number of the areas on which the Government have now tabled amendments, just a couple of days before this important Report stage, so that we can get a proper understanding of what they are trying to do. It would perhaps have been prudent to do so before Report.

Question put and agreed to.

Criminal Justice Bill

[1ST ALLOCATED DAY]

Consideration of Bill, as amended in the Public Bill Committee

New Clause 86

CREATING PURPORTED SEXUAL IMAGE OF ADULT

“(1) In the Sexual Offences Act 2003, after section 66AC (inserted by Schedule 2 to this Act) insert—

“66AD *Creating purported sexual image of adult*

- (1) A person (A) commits an offence if—
 - (a) A intentionally creates a purported sexual image of another person (B),
 - (b) A does so with the intention of causing B alarm, distress or humiliation, and
 - (c) B does not consent to the creation of the purported sexual image.
- (2) A person (A) commits an offence if—
 - (a) A intentionally creates a purported sexual image of another person (B),
 - (b) A does so for the purpose of A or another person obtaining sexual gratification,
 - (c) B does not consent to the creation of the purported sexual image, and
 - (d) A does not reasonably believe that B consents.
- (3) “Purported sexual image” of a person means an image which—
 - (a) appears to be or include a photograph or film of the person (but is not, or is not only, a photograph or film of the person),
 - (b) appears to be of an adult, and
 - (c) appears to show—
 - (i) the person participating or engaging in a sexual act which is not of a kind ordinarily done in public,
 - (ii) the person doing a sexual thing which is not of a kind ordinarily done in public,
 - (iii) all or part of the person’s exposed genitals or anus, or
 - (iv) all or part of the person’s exposed breasts, except where what appears to be shown is something of a kind ordinarily seen in public.
- (4) In this section, a reference to creating a purported sexual image of a person does not include doing so by modifying a photograph or film of the person where what is created by the modification is an image which—
 - (a) appears to show the person, and
 - (b) does not appear to show something within subsection (3)(c)(i) to (iv) which, or a person who, is not shown in the photograph or film.
- (5) A person who commits an offence under this section is liable on summary conviction to a fine.

66AE *Creating purported sexual image of adult: definitions etc*

- (1) This section applies for the purposes of section 66AD.
- (2) “Consent” to the creation of a purported sexual image includes general consent covering the particular act of creation as well as specific consent to that particular act.
- (3) Whether a belief is “reasonable” is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.
- (4) A reference to an “image”, “photograph” or “film” includes data stored by any means which is capable of conversion into an image, photograph or film.

- (5) An image of a person appears to be an image of an adult if—
- the impression conveyed by the image is that the person shown is aged 18 or over, or
 - the predominant impression conveyed by the image is that the person shown is aged 18 or over (even if some of the physical characteristics shown are those of a person under 18).
- (6) An act or thing is “sexual” if a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider it to be sexual.”

(2) In section 79(5) of that Act (meaning of references to image of a person) after

“a person” insert “(except in sections 66AD and 66AE)”.—
(*Laura Farris.*)

This new clause creates an offence of creating a purported sexual image of an adult, without consent.

Brought up, and read the First time.

1.26 pm

The Parliamentary Under-Secretary of State for Justice (Laura Farris): I beg to move, That the clause be read a Second time.

Mr Deputy Speaker (Sir Roger Gale): With this it will be convenient to discuss the following:

Government new clause 62—*Sexual activity with a corpse.*

Government new clause 87—*Manslaughter: sexual conduct aggravating factor.*

Government new clause 88—*Length of terrorism sentence with fixed licence period: Northern Ireland.*

Government new clause 89—*Reviews of sentencing: time limits.*

Government new clause 94—*Cuckooing.*

Government new clause 95—*Cuckooing: interpretation.*

Government new clause 103—*Restricting parental responsibility when sentencing for rape of a child.*

Government new clause 104—*Report on duty to make prohibited steps orders and power to repeal.*

New clause 2—*Removal of parental responsibility for men convicted of sexual offences against children—*

“(1) After section 2 (parental responsibility for children) of the Children Act 1989, insert—

“2A Prisoners: suspension of parental responsibility

(1) This section applies where—

- a person (“A”) has been found guilty of a serious sexual offence involving or relating to a child or children; and
- A had parental responsibility for a child or children at the time at which the offence was committed.

(2) A ceases to have parental responsibility for all children, for a time specified by the sentencing court or until an application by A to the family court to reinstate parental responsibility has been approved.”

New clause 7—*Occupation or control of another person’s residence for criminal purposes “Cuckooing”—*

“(1) A person commits an offence if the person occupies or exercises control over the home of another person (V) in connection with the commission of a criminal offence or offences using any of the following methods—

- the threat or use of force or other coercive behaviour;
- abduction, kidnap or false imprisonment;
- fraud or other deception;
- the abuse of power or a position of vulnerability;

(e) the giving of payments or other benefits to achieve the consent of a person who has control over V.

(2) A person also commits an offence under this section if the person arranges or facilitates the activity set out in subsection (1).

(3) A person who commits an offence under this section is liable—

- on conviction on indictment, to imprisonment for a term not exceeding seven years,
- on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both).”

This new clause makes it an offence to exercise control over another person’s residence for the purpose of criminal activity by means of coercion, threats or abuse of a position of vulnerability.

New clause 8—*Offence of enabling or profiting from prostitution—*

“(1) A person or body corporate (C) commits an offence if they—

- facilitate, whether online or offline, or
- gain financially from

a person (A) engaging in sexual activity with another person (B) in exchange for payment or other benefit, or the promise of payment or other benefit, and the conditions in subsection (2) are met.

(2) The conditions are—

- that C knows or ought to know that A is engaging in, or intends to engage in, sexual activity for payment or other benefit; and
- that C is not a dependent child of A.

(3) For the purposes of this section—

(a) “Sexual activity”—

- means any acts which a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider to be sexual,
- requires A and B to be in each other’s presence,

(b) “Facilitates” includes, but is not limited to, causing or allowing to be displayed or published, including digitally, any advertisement in respect of sexual activity involving A.

(4) A person guilty of an offence under this section is liable—

- on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
- on conviction on indictment, to imprisonment for a term not exceeding 10 years.”

This new clause would make it an offence to facilitate or profit from the prostitution of another person.

New clause 9—*One-punch manslaughter—*

“(1) A person (P) is guilty of an offence where they cause the death of another person (B) as a result of a single punch in the circumstances described in subsection (2).

(2) The circumstances referred to in subsection (1) are—

- P administered a single punch to the head or neck of B;
- there was significant risk that the punch would cause serious physical harm to B;
- P was or ought to have been aware of the risk mentioned in paragraph (b);
- P did not administer the punch referred to in paragraph (a) in self-defence; and
- B’s death was caused by—
 - the impact of the punch, or
 - further impact or injury resulting from the single punch.

(3) In this section “serious physical harm” means harm that amounts to death or serious personal injury for the purposes of the Offences against the Person Act 1861.

(4) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a minimum of seven years.”

This new clause is intended to create a specific offence of “One Punch Manslaughter”, with a minimum sentence of seven years.

New clause 12—Controlling or coercive behaviour by persons providing psychotherapy or counselling services—

“(1) A person (“A”) commits an offence if—

- (a) A is a person providing or purporting to provide psychotherapy or counselling services to another person (“B”),
- (b) A repeatedly or continuously engages in behaviour towards B that is controlling or coercive,
- (c) the behaviour has a serious effect on B, and
- (d) A knows or ought to know that the behaviour will or may have a serious effect on B.

(2) A’s behaviour has a “serious effect” on B if—

- (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
- (b) it causes B psychological harm which has a substantial adverse effect on B’s usual day-to-day activities.

(3) For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.

(4) In proceedings for an offence under this section it is a defence for A to show that—

- (a) in engaging in the behaviour in question, A believed that he or she was acting in B’s best interests, and
- (b) the behaviour was in all the circumstances reasonable.

(5) A defence under subsection (4) requires A to have shown—

- (a) sufficient evidence of the facts, and
- (b) that the contrary is not proved beyond reasonable doubt.

(6) The defence in subsection (4) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.

(7) A person guilty of an offence under this section is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.”

New clause 16—Amendments to the Road Traffic Act 1988—

“(1) The Road Traffic Act 1988 is amended as follows.

(2) In each of the sections listed below, after “a road or other public place” insert “, or a private place adjacent to a road,”—

- section 1 (causing death by dangerous driving);
- section 1A (causing serious injury by dangerous driving);
- section 2 (dangerous driving);
- section 2B (causing death by careless, or inconsiderate, driving);
- section 2C (causing serious injury by careless, or inconsiderate, driving);
- section 3 (careless, and inconsiderate, driving).”

This new clause would extend the Road Traffic Act 1988 so that a range of driving offences can be committed in private places adjacent to roads as well as on public roads or in public places.

New clause 18—Definition of unauthorised access to computer programs or data—

“In section 17 of the Computer Misuse Act 1990, at the end of subsection (5) insert—

- “(c) he does not reasonably believe that the person entitled to control access of the kind in question to the program or data would have consented to that access if he had known about the access and the circumstances of it, including the reasons for seeking it;

- (d) he is not empowered by an enactment, by a rule of law, or by the order of a court or tribunal to access of the kind in question to the program or data.””

New clause 19—Defences to charges under the Computer Misuse Act 1990—

“(1) The Computer Misuse Act 1990 is amended as follows.

(2) In section 1, after subsection (2) insert—

“(2A) It is a defence to a charge under subsection (1) to prove that—

- (a) the person’s actions were necessary for the detection or prevention of crime; or
- (b) the person’s actions were justified as being in the public interest.”

(3) In section 3, after subsection (5) insert—

“(5A) It is a defence to a charge under subsection (1) to prove that—

- (a) the person’s actions were necessary for the detection or prevention of crime; or
- (b) the person’s actions were justified as being in the public interest.””

New clause 24—Definition of exceptional hardship—

“In section 35 of the Road Traffic Offenders Act 1988, after subsection (4) insert—

“(4A) In subsection (4)(b), the hardship that would be caused by an offender’s disqualification should be regarded as exceptional only if it is significantly greater than the hardship that would be experienced by a large majority of other drivers if disqualification were imposed on them.

(4B) In assessing whether the hardship arising from the offender’s disqualification would be exceptional a court may take account of—

- (a) any circumstances relating to the offender’s economic circumstances or location of residence which would make it exceptionally hard for them to access essential services and facilities;
- (b) any hardship that would be incurred by the offender’s family or others who are disabled or who depend on the offender to provide care for them; and
- (c) any other circumstances which it believes would make the hardship exceptional.””

New clause 25—Offence of possession of guidance on creating child sexual abuse content—

“(1) Section 69 (Possession of paedophile manual) of the Serious Crime Act 2015 is amended as follows.

(2) In subsection (1), omit from “to” to the end of the subsection and insert—

“possess, create, share or distribute any item that—

- (a) contains advice or guidance about abusing children sexually; or
- (b) contains advice or guidance about the creation of content which depicts the sexual abuse of children.”

(3) In subsection (2)(b)(ii), after “sexually” insert—

“or about the creation of content which depicts the sexual abuse of children”

(4) In subsection (8)—

- (a) after “sexually” insert “(or “the sexual abuse of children”);
- (b) omit “(but not pseudo-photographs)” and insert “, including pseudo-photographs”;
- (c) after second “or Northern Ireland” insert—

““creation of content” includes using any tool to create visual or audio content;”;

(d) at end insert—

““tool” includes, but is not limited to, any computer or other digital technology, program, platform or application, including those which utilise artificial intelligence or machine learning.”

This new clause would expand the existing offence of possessing guides about abusing children sexually to include guides on creating child sexual abuse content, including through the use of artificial intelligence or machine learning.

New clause 26—Offence of simulating sexual communication with a child—

“(1) A person commits an offence if they—

- (a) use;
- (b) design;
- (c) distribute; or
- (d) provide access to

a tool to simulate sexual communication with a person under 16.

(2) For the purposes of this section—

- (a) a communication is sexual if—
 - (i) any part of it relates to sexual activity, or
 - (ii) a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider any part of the communication to be sexual,
- (b) “tool” includes, but is not limited to, any computer or other digital technology, program, platform or application, including those which utilise artificial intelligence or machine learning.

(3) A person guilty of an offence under this section is liable to the same penalties as apply to an offence committed under section 15A of the Sexual Offences Act 2003.”

This new clause would create an offence of using, creating or sharing online or digital tools which simulate sexual communication with a child.

New clause 28—Complicity in joint enterprise cases—

“In section 8 (abettors in misdemeanours) of the Accessories and Abettors Act 1861, after “shall” insert “, by making a significant contribution to its commission,”.

This new clause would clarify the definition of “joint enterprise” (or secondary liability), so that an individual must make a “significant contribution” to an offence committed by another to be criminally liable.

New clause 29—Human trafficking—

“(1) Section 2 of the Modern Slavery Act 2015 is amended as follows.

(2) In subsection (1), for “arranges or facilitates the travel of” substitute “recruits, transports, transfers, harbours or receives through force, coercion, fraud, deception, the abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits”.

(3) In subsection (2), for “travel” substitute “matters mentioned in subsection (1) or to V being exploited”.

(4) Omit subsections (3) to (5).

(5) In paragraph (6)(a), for “arranging or facilitating takes” substitute “matters mentioned in subsection (1) take”.

(6) Omit paragraph (6)(b).

(7) In paragraph (7)(a), for “arranging or facilitating takes” substitute “matters mentioned in subsection (1) take”.

(8) In paragraph (7)(b), for the first “the” substitute “any”.

This new clause brings the definition of human trafficking in the Modern Slavery Act 2015 in line with the UN definition, particularly removing the requirement for exploitation to have involved travel.

New clause 32—Aggravated offences: hostility towards transgender identity, sexual orientation and disability—

“(1) The Crime and Disorder Act 1998 is amended as follows.

(2) For the first cross-heading under Part II, substitute “Offences aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity: England and Wales”.

(3) In section 28—

- (a) for the heading, substitute “Meaning of “aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity””;
- (b) in subsection (1), omit “racially or religiously aggravated” and insert “aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity”;
- (c) in subsection (1)(a), omit from “based on” to the end of sub-subsection (a) and insert—

-
- (i) the victim’s membership (or presumed membership) of a racial group;
- (ii) the victim’s membership (or presumed membership) of a religious group;
- (iii) a disability (or presumed disability) of the victim;
- (iv) the sexual orientation (or presumed sexual orientation) of the victim; or
- (v) the victim being (or being presumed to be) transgender, or”;

(d) in subsection (1)(b), omit from “hostility towards” to the end of sub-subsection (b) and insert—

-
- (i) members of a racial group based on their membership of that group;
- (ii) members of a religious group based on their membership of that group;
- (iii) persons who have a disability or a particular disability;
- (iv) persons who are of a particular sexual orientation; or
- (v) persons who are transgender.”;

(e) in subsection (2), in the definition of “membership” leave out “racial or religious” and insert “relevant”.

(4) In section 29—

- (a) for the heading, substitute “Assaults aggravated on grounds of race, religion, disability, sexual orientation or transgender identity”;
- (b) in subsection (1), omit “racially or religiously aggravated” and insert “aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity”.

(5) In section 30—

- (a) for the heading, substitute “Criminal damage aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity”;
- (b) in subsection (1), omit “racially or religiously aggravated” and insert “aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity”.

(6) In section 31—

- (a) for the heading, substitute “Public order offences aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity”;
- (b) in subsection (1), omit “racially or religiously aggravated” and insert “aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity”.

(7) In section 32—

- (a) for the heading, substitute “Harassment etc aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity”;

- (b) in subsection (1), omit “racially or religiously aggravated” and insert “aggravated on the grounds of race, religion, disability, sexual orientation or transgender identity”.

This new clause would include offences motivated by hostility towards an individual’s disability status, sexual orientation or transgender identity (or perception thereof) in those which are aggravated under the Crime and Disorder Act 1998.

New clause 33—Taking of dog without lawful authority—

“(1) A person commits an offence if, without lawful authority or reasonable excuse, the person takes or detains a dog in England—

- (a) so as to remove it from the lawful control of any person, or
- (b) so as to keep it from the lawful control of a person who is entitled to have lawful control of it.

(2) No offence is committed if the person taking or detaining the dog is connected with any of the following—

- (a) any person entitled to have lawful control of it;
- (b) where it is removed from the lawful control of a person, that person.

(3) A person who commits an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

(4) In this section—

“connected person” : a person is connected with another person if—

- (a) they are married to each other,
- (b) they are civil partners of each other,
- (c) one is the parent of the other, or
- (d) they are siblings (whether of the full blood or the half blood);

“detaining” : references to a person detaining a dog include the person—

- (a) inducing it to remain with the person or anyone else, or
- (b) causing it to be detained;

“maximum summary term for either-way offences” , with reference to imprisonment for an offence, means—

- (a) if the offence is committed before the time when paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, 6 months;
- (b) if the offence is committed after that time, 12 months;

“taking” : references to a person taking a dog include the person—

- (a) causing or inducing it to accompany the person or anyone else, or
- (b) causing it to be taken.”

This new clause makes provision for the creation of an offence of taking a dog from the lawful control of another person.

New clause 35—Offence of failing to remain at the scene of a traffic collision—

“In section 170 of the Road Traffic Act 1988, after subsection (4) insert—

“(4A) A person guilty of an offence under subsection (4) is liable—

- (a) if a person other than the driver of the vehicle suffered a fatal injury—
 - (i) on conviction on indictment, to imprisonment for a term not exceeding 14 years;
 - (b) if a person other than the driver of the vehicle suffered a serious non-fatal injury—
 - (i) on summary conviction, to imprisonment for a term not exceeding 10 years or a fine not exceeding £20,000 or both;

- (ii) on conviction on indictment, to imprisonment for a term not exceeding 10 years;

(c) in any other case—

- (i) on summary conviction, to imprisonment for a term not exceeding 10 years or a fine not exceeding £20,000 or both;

- (ii) on conviction on indictment, to imprisonment for a term not exceeding 10 years.”

This new clause would expand the existing offence of failing to stop after a road collision to create more serious penalties for failing to stop after collisions which result in death or serious injury.

New clause 36—Time to report road collision—

“In section 170 of the Road Traffic Act 1988, omit subsection (6) and insert—

“(6) In complying with a duty under this section to report an accident or to produce such a certificate of insurance or other evidence, as is mentioned in section 165(2)(a) of this Act, it is an offence for a driver—

- (a) not to do so at a police station or to a constable as soon as is reasonably practicable, and
- (b) not to do so within two hours of the occurrence of the accident in relation to reporting an accident, or within twenty-four hours of the occurrence of the accident in relation to the production of a certificate of insurance or other evidence.”

This new clause would amend the Road Traffic Act 1988 to reduce the time within which a driver must report a road collision in which they were involved from twenty-four hours to two hours, and make it an offence not to report an accident.

New clause 38—Senior manager liability for neglect in relation to offences committed by bodies corporate and partnerships—

“(1) Where an organisation commits an offence under section 16, a person (“S”) also commits an offence if—

- (a) S was a senior manager of the same body corporate or partnership at the time the offence was committed under section 16; and
- (b) S failed to prevent the offence from being committed, or was negligent such that an offence was committed.

(2) It is a defence for S to prove that they took all reasonable steps to prevent the offence being committed.

(3) In this section, “body corporate”, “partnership” and “senior manager” have the meanings given in section 16.

(4) A person who commits an offence under subsection (1) is liable—

- (a) on summary conviction, to imprisonment for a term of 12 months;
- (b) on conviction on indictment, to imprisonment for a term of 5 years and an unlimited fine.”

New clause 43—Offence of creating or sharing misleading content—

“(1) A person (“P”) commits an offence if they—

- (a) create, using any computer or other digital technology, program, platform or application, including those which utilise artificial intelligence or machine learning; or

- (b) share, distribute, or otherwise provide access to,

visual or audio content which shows or represents, or appears to show or represent, another person (“R”), where conditions A, B and C are met.

(2) Condition A is that the words, actions, beliefs or behaviours shown or represented in the content have been artificially created or manipulated.

(3) Condition B is that the content has been created or shared for the purposes of—

- (a) misleading a person viewing or hearing the content as to R’s real words, actions, beliefs or behaviours;

- (b) causing offence, alarm, distress or humiliation to—
 - (i) R; or
 - (ii) any other person; or
- (c) influencing the voting intention or activity of another person.

(4) Condition C is that R has not consented to the creation or sharing of the content.

(5) A person who commits an offence under subsection (1) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years."

New clause 44—*Sexual exploitation of an adult*—

"(1) The Sexual Offences Act 2003 is amended as follows.

(2) Section 52 is amended as follows—

- (a) in the title for "Causing or inciting prostitution" substitute "Sexual exploitation", and
- (b) in paragraph (1)(a) for "causes or incites another person to become a prostitute" substitute "sexually exploits another person".

(3) Section 53 is amended as follows—

- (a) in the title for "prostitution" substitute "sexual exploitation", and
- (b) in paragraph (1)(a) for "prostitution" substitute "sexual exploitation".

(4) Section 54 is amended as follows—

- (a) in subsection (2) for "sections 51A, 52, 53 and 53A" substitute "section 53A", and
- (b) at end insert—

"(4) In sections 52 and 53 "sexual exploitation" means conduct by which a person manipulates, deceives, coerces or controls another person to undertake sexual activity."

An amendment to the Sexual Offences Act 2003, specifically in sections 52 and 53, replace "prostitution for gain" with "sexual exploitation of an adult".

New clause 45—*Loitering and soliciting: repeal*—

"Section 1 of the Street Offences Act 1959 (loitering or soliciting for purposes of prostitution) is repealed."

An amendment that repeals soliciting and loitering as an offence.

New clause 46—*Power of Secretary of State to disregard convictions or cautions: Loitering or soliciting for purposes of prostitution*—

"(1) Section 92 of the Street Offences Act 1959 is amended as follows.

(2) For subsection (1) substitute—

"(1) A person who has been convicted of, or cautioned for, an offence in circumstances where—

- (a) the conduct constituting the offence was sexual activity between persons of the same sex, or
- (b) the offence was committed under Section 1 of the Street Offences Act 1959,

may apply to the Secretary of State for the conviction or caution to become a disregarded conviction or caution."

(3) In subsection (2) after first "caution" insert "received in the circumstances set out in subsection (1)(a)".

A new clause that allows a process allowing the Secretary of State to disregard convictions and cautions received under section 1 of the Street Offences Act 1959.

New clause 47—*Grooming as an aggravating factor*—

"(1) After section 72 of the Sentencing Code (supply of psychoactive substance in certain circumstances) insert—

"72A *Grooming*

(1) This section applies where a court is considering the seriousness of an offence which is aggravated by grooming.

(2) The court—

- (a) must treat the fact that the offence is aggravated by grooming as an aggravating factor, and
- (b) must state in open court that the offence is so aggravated."

Grooming to be seen as an aggravating factor in certain cases where the victim is an adult.

New clause 48—*Aggravating factor relevant to offence of murder: strangulation*—

"(1) Schedule 21 to the Sentencing Code (determination of minimum term in relation to mandatory life sentence for murder etc) is amended as follows.

(2) After paragraph 9(g) insert—

"(h) the fact that the offender strangled the victim as part of the homicide."

An amendment to instate strangulation as an aggravating factor in murder cases.

New clause 49—*Reasonable force in domestic abuse cases*—

"(1) Section 76 of the Criminal Justice and Immigration Act 2008 (reasonable force for purposes of self-defence etc.) is amended as follows.

(2) In subsection (5A) after "In a householder case" insert "or a domestic abuse case".

(3) In subsection (6) after "In a case other than a householder case" insert "or a domestic abuse case".

(4) After subsection (8F) insert—

"(8G) For the purposes of this section "a domestic abuse case" is a case where—

- (a) the defence concerned is the common law defence of self-defence,
- (b) D is, or has been, a victim of domestic abuse, and
- (c) the force concerned is force used by D against the person who has perpetrated the abusive behaviour referred to in paragraph (b).

(8H) Subsection (8G)(b) will only be established if the behaviour concerned is, or is part of, a history of conduct which constitutes domestic abuse as defined in sections 1 and 2 of the Domestic Abuse Act 2021, including but not limited to conduct which constitutes the offence of controlling or coercive behaviour in an intimate or family relationship as defined in section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship)."

(5) In subsection (9) after "householder cases" insert "and domestic abuse cases".

Statutory defence for victims of domestic abuse who may have been coerced into committing certain crimes or driven to use force against their abuser, as a result of being a victim of domestic abuse.

New clause 50—*Defence for victims of domestic abuse who commit an offence*—

"(1) A person is not guilty of an offence if—

- (a) the person is aged 18 or over when the person does the act which constitutes the offence,
- (b) the person does that act because the person is compelled to do it,
- (c) the compulsion is attributable to their being a victim of domestic abuse, and
- (d) a reasonable person in the same situation as the person and having the person's relevant characteristics would have no realistic alternative to doing that act.

(2) A person may be compelled to do something by another person or by the person's circumstances.

(3) Compulsion is attributable to domestic abuse only if—

(a) it is, or is part of, conduct which constitutes domestic abuse as defined in sections 1 and 2 of the Domestic Abuse Act 2021, including but not limited to conduct which constitutes the offence of controlling or coercive behaviour in an intimate or family relationship as defined in section 76 of the Serious Crime Act 2015, or

(b) it is a direct consequence of a person being, or having been, a victim of such abuse.

(4) A person is not guilty of an offence if—

(a) the person is under the age of 18 when the person does the act which constitutes the offence,

(b) the person does that act as a direct consequence of the person being, or having been, a victim of domestic abuse as defined at subsection (3)(a) above, and

(c) a reasonable person in the same situation as the person and having the person's relevant characteristics would do that act.

(5) For the purposes of this section “relevant characteristics” means age, sex, any physical or mental illness or disability and any experience of domestic abuse.

(6) In this section references to an act include an omission.

(7) Subsections (1) and (4) do not apply to an offence listed in Schedule [Offences to which the defence for victims of domestic abuse who commit an offence does not apply].

(8) The Secretary of State may by regulations amend Schedule [Offences to which the defence for victims of domestic abuse who commit an offence does not apply].

(9) The Secretary of State must make arrangements for monitoring of the types of offence for which victims of domestic abuse are prosecuted and use this evidence to inform an annual review of the offences listed in Schedule [Offences to which the defence for victims of domestic abuse who commit an offence does not apply] and any amendment to Schedule [Offences to which the defence for victims of domestic abuse who commit an offence does not apply].”

Statutory defence for victims of domestic abuse who may have been coerced into committing certain crimes as a result of being a victim of domestic abuse.

New clause 55—*Offence of child criminal exploitation—*

“(1) A person (“P”) commits an offence if they—

(a) recruit or attempt to recruit, or

(b) ask or compel another person to recruit or attempt to recruit,

a child (“C”) for the purpose of C’s involvement in criminal activity.

(2) An offence is committed under subsection (1) regardless of whether C—

(a) engages in criminal activity, or

(b) is prosecuted for or found guilty of a criminal offence.

(3) It is not a defence to a charge under subsection (1) to prove that P did not know that C was a child.

(4) A person guilty of an offence under this section is liable—

(a) if the offence for which C was, or was attempted to be, recruited was murder, to imprisonment for life,

(b) if C was, or was attempted to be, recruited for any other offence, to the penalty to which a person guilty of that offence would be liable.

(5) For the purposes of this section—

“child” means a person under the age of 18;

“criminal activity” means any activity or conduct which constitutes a criminal offence;

to

“recruit” includes by direction, inducement, incitement, coercion or compulsion.”

New clause 57—*Offence of causing death or serious injury by dangerous, careless or inconsiderate cycling—*

“(1) The Road Traffic Act 1988 is amended as follows.

(2) Before section 28 (dangerous cycling) insert—

“27A *Causing death by dangerous cycling*

A person who causes the death of another person by riding a cycle dangerously (as defined in section 28) on a road or other public place is guilty of an offence.

27B *Causing serious injury by dangerous cycling*

(1) A person who causes serious injury to another person by riding a cycle dangerously (as defined in section 28) on a road or other public place is guilty of an offence.

(2) In this section “serious injury means—

(a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and

(b) in Scotland, severe physical injury.

27C *Causing death by careless or inconsiderate cycling*

A person who causes the death of another person by riding a cycle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.”

(3) In section 28 (dangerous cycling), after subsection (3) insert—

“(4) For the purposes of subsection (2), what would be expected of a competent and careful cyclist includes that their cycle is equipped and maintained in accordance with regulations made under section 81 of this Act.”

(4) After section 32 (electrically assisted pedal cycles), insert—

“32A *Interpretation of sections 27A to 32*

(1) For the purposes of sections 27A to 32 of this Act, “a cycle” includes but is not limited to—

(a) a pedal cycle,

(b) an electrically assisted pedal cycle, and

(c) a mechanically propelled personal transporter, including—

(i) an electric scooter,

(ii) a self-balancing personal transporter (including a self-balancing scooter, self-balancing board or electric unicycle), and

(iii) any other mechanically propelled personal transporter provided for by the Secretary of State in regulations made under this section.

(2) For the purposes of subsection (1)(c), mechanically propelled personal transporters are to be defined in regulations made by the Secretary of State under this section.”

(5) The Road Traffic Offenders Act 1988 is amended as follows.

(6) In the table in Part 1 of Schedule 2, after the row beginning “RTA section 27” insert in columns 1 to 4—

RTA Section 27A	Causing death by dangerous cycling.	On indictment.	14 years.
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RTA Section 27B	Causing serious injury by dangerous cycling.	(a) Summarily. (b) On indictment.	(a) 12 months or the statutory maximum or both. (b) 5 years of a fine or both.
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“RTA Section 27A	Causing death by dangerous cycling.	On indictment.	14 years.
RTA Section 27C	Causing death by careless of inconsiderate cycling.	(a) Summarily. (b) On indictment.	(a) 12 months (in England and Wales) or 6 months (in Scotland) or the statutory maximum or both. (b) 5 years or a fine or both.”

New clause 59—*Ban on “ninja swords”*—

“(1) The Secretary of State must exercise their powers under section 141(2) of the Criminal Justice Act 1988 to amend the Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 as follows.

(2) In paragraph 1, after sub-paragraph (t) insert—

“(u) the weapon sometimes known as a “ninja sword”, “katana” or “ninjato”, being a single-edged straight blade of up to 60cm in length with a long hilt or guard”.

(3) Regulations laid under subsection (1) must—

- (a) be laid within six months of the date of Royal Assent to this Act,
- (b) be laid following consultation on the definitions of possession for sporting use and possession of antiques, and
- (c) include, subject to the results of the consultation under subsection (3)(b), exemptions for sporting use and for possession of antiques.”

New clause 60—*Senior manager liability for illegal sale of bladed articles*—

“(1) A person “P” commits an offence where—

- (a) P is a senior manager of an internet service “C”,
- (b) C commits an offence under—
 - (i) sections 141A or 141B of the Criminal Justice Act 1988; or
 - (ii) sections 38 to 42 of the Offensive Weapons Act 2019, and
- (c) P has failed to take all reasonable steps to prevent that offence being committed by C.

(2) For the purposes of this section—

- (a) “internet service” has the meaning given in section 228 of the Online Safety Act 2023;
- (b) “senior manager” means an individual who plays a significant role in—
 - (i) the making of decisions about how C’s relevant activities are to be managed or organised, or
 - (ii) the actual managing or organising of C’s relevant activities.

(3) Where P is charged with an offence under this section, it is a defence for P to show that P was a senior manager of C for such a short time during the relevant period that P could not reasonably have been expected to take steps to prevent that offence being committed by C.

(4) Where P is guilty of an offence under this section, P is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
- (b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine (or both).”

New clause 61—*Classification of Fenethylamine as a Class A drug*—

“In Schedule 2 (Controlled Drugs) to the Misuse of Drugs Act 1971, after “Etryptamine” insert “Fenethylamine”.

This new clause would add Fenethylamine – also known by the brand names Captagon, Biocapton, and Fitton – to the list of Class A drugs under the Misuse of Drugs Act 1971.

New clause 91—*Offence of failing to meet pollution performance commitment levels*—

“(1) A water or water and sewerage company (“C”) commits an offence where C has—

- (a) failed to meet its pollution performance commitment level for three consecutive years; or
- (b) experienced an increase in—
 - (i) total pollution incidents per 10,000km², or
 - (ii) serious pollution incidents
 for three consecutive years.

(2) For the purposes of this section—

“water or water and sewerage company” means companies which are responsible for the provision of water, or water and sewerage, services and which are regulated by Ofwat and the Environment Agency;

“pollution performance commitment level” means the level of performance on pollution that the company has committed to deliver, and which is reported against by Ofwat in its annual water company performance report;

“total pollution incidents per 10,000km²” and “serious pollution incidents” mean the relevant figures under those headings reported by the Environment Agency in its annual environmental performance report.

(3) If guilty of an offence under this section, C is liable—

- (a) on summary conviction, to a fine;
- (b) on conviction on indictment, to a fine.”

New clause 92—*Senior manager liability for failure to meet pollution performance commitment levels*—

“(1) A person (“P”) commits an offence where—

- (a) P is a senior manager of a water or water and sewerage company (“C”),
- (b) C commits an offence under section [Offence of failing to meet pollution performance commitment levels], and
- (c) P has failed to take all reasonable steps to prevent that offence being committed by C.

(2) For the purposes of this section—

“senior manager” means an individual who plays a significant role in—

- (a) the making of decisions about how C’s relevant activities are to be managed or organised, or
- (b) the actual managing or organising of C’s relevant activities;

“water or water and sewerage company” has the meaning given in section [Offence of failing to meet pollution performance commitment levels].

(3) Where P is charged with an offence under this section, it is a defence for P to show that P was a senior manager of C for such a short time during the relevant period that P could not reasonably have been expected to take steps to prevent that offence being committed by C.

(4) Where P is guilty of an offence under this section, P is liable—

- (a) on summary conviction, to a fine;
- (b) on conviction on indictment, to a fine.”

New clause 93—*Compensation orders: loss suffered by victim*—

“In the Sentencing Act 2020 after section 138 insert —

“138A Loss suffered by victim of offence of coercive and controlling behaviour

- (1) Subsection (2) applies where the court is determining whether to make a compensation order against an offender in respect of an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).
- (2) The court must have particular regard to the desirability of compensating the victim of the offence for injury, loss or damage, including economic loss, resulting from the offence.”

Government new schedule 4—*Cuckooing: specified offences.*

New schedule 1—*Offences to which the defence for victims of domestic abuse who commit an offence does not apply—*

“Schedule

Common Law Offences

- 1 False imprisonment.
- 2 Kidnapping.
- 3 Manslaughter.
- 4 Murder.
- 5 Perverting the course of justice.
- 6 Piracy.

Offences against the Person Act 1861 (c. 100)

- 7 An offence under any of the following provisions of the Offences Against the Person Act 1861—
 - section 4 (soliciting murder)
 - section 16 (threats to kill)
 - section 18 (wounding with intent to cause grievous bodily harm)
 - section 20 (malicious wounding)
 - section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence)
 - section 22 (using drugs etc to commit or assist in the committing of an indictable offence)
 - section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm)
 - section 27 (abandoning children)
 - section 28 (causing bodily injury by explosives)
 - section 29 (using explosives with intent to do grievous bodily harm)
 - section 30 (placing explosives with intent to do bodily injury)
 - section 31 (setting spring guns etc with intent to do grievous bodily harm)
 - section 32 (endangering safety of railway passengers)
 - section 35 (injuring persons by furious driving)
 - section 37 (assaulting officer preserving wreck)
 - section 38 (assault with intent to resist arrest).

Explosive Substances Act 1883 (c. 3)

- 8 An offence under any of the following provisions of the Explosive Substances Act 1883—
 - section 2 (causing explosion likely to endanger life or property)
 - section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property)
 - section 4 (making or possession of explosives under suspicious circumstances).

Infant Life (Preservation) Act 1929 (c. 34)

- 9 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

Children and Young Persons Act 1933 (c. 12)

- 10 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).

Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)

- 11 An offence under section 2 of the Public Order

Act 1936 (control etc of quasi-military organisation).

Infanticide Act 1938 (c. 36)

- 12 An offence under section 1 of the Infanticide Act 1938 (infanticide).

Firearms Act 1968 (c. 27)

- 13 An offence under any of the following provisions of the Firearms Act 1968—
 - section 5 (possession of prohibited firearms)
 - section 16 (possession of firearm with intent to endanger life)
 - section 16A (possession of firearm with intent to cause fear of violence)
 - section 17(1) (use of firearm to resist arrest)
 - section 17(2) (possession of firearm at time of committing or being arrested for specified offence)
 - section 18 (carrying firearm with criminal intent).

Theft Act 1968 (c. 60)

- 14 An offence under any of the following provisions of the Theft Act 1968—
 - section 8 (robbery or assault with intent to rob)
 - section 9 (burglary), where the offence is committed with intent to inflict grievous bodily harm on a person, or to do unlawful damage to a building or anything in it
 - section 10 (aggravated burglary)
 - section 12A (aggravated vehicle-taking), where the offence involves an accident which causes the death of any person
 - section 21 (blackmail).

Criminal Damage Act 1971 (c. 48)

- 15 The following offences under the Criminal Damage Act 1971—
 - an offence of arson under section 1
 - an offence under section 1(2) (destroying or damaging property) other than an offence of arson.

Immigration Act 1971 (c. 77)

- 16 An offence under section 25 of the Immigration Act 1971 (assisting unlawful immigration to member state).

Customs and Excise Management Act 1979 (c. 2)

- 17 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles).

Taking of Hostages Act 1982 (c. 28)

- 18 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

Aviation Security Act 1982 (c. 36)

- 19 An offence under any of the following provisions of the Aviation Security Act 1982—
 - section 1 (hijacking)
 - section 2 (destroying, damaging or endangering safety of aircraft)
 - section 3 (other acts endangering or likely to endanger safety of aircraft)
 - section 4 (offences in relation to certain dangerous articles).

Mental Health Act 1983 (c. 20)

- 20 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).

Child Abduction Act 1984 (c. 37)

- 21 An offence under any of the following provisions of the Child Abduction Act 1984—
 - section 1 (abduction of child by parent etc)
 - section 2 (abduction of child by other persons).

Public Order Act 1986 (c. 64)

- 22 An offence under any of the following provisions of the Public Order Act 1986—
- section 1 (riot)
 - section 2 (violent disorder).

Criminal Justice Act 1988 (c. 33)

- 23 An offence under section 134 of the Criminal Justice Act 1988 (torture).

Road Traffic Act 1988 (c. 52)

- 24 An offence under any of the following provisions of the Road Traffic Act 1988—
- section 1 (causing death by dangerous driving)
 - section 3A (causing death by careless driving when under the influence of drink or drugs).

Aviation and Maritime Security Act 1990 (c. 31)

- 25 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—
- section 1 (endangering safety at aerodromes)
 - section 9 (hijacking of ships)
 - section 10 (seizing or exercising control of fixed platforms)
 - section 11 (destroying fixed platforms or endangering their safety)
 - section 12 (other acts endangering or likely to endanger safe navigation)
 - section 13 (offences involving threats).

Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

- 26 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (SI 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

Protection from Harassment Act 1997 (c. 40)

- 27 An offence under any of the following provisions of the Protection from Harassment Act 1997—
- section 4 (putting people in fear of violence)
 - section 4A (stalking involving fear of violence or serious alarm or distress).

Crime and Disorder Act 1998 (c. 37)

- 28 An offence under any of the following provisions of the Crime and Disorder Act 1998—
- section 29 (racially or religiously aggravated assaults)
 - section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986).

Terrorism Act 2000 (c. 11)

- 29 An offence under any of the following provisions of the Terrorism Act 2000—
- section 54 (weapons training)
 - section 56 (directing terrorist organisation)
 - section 57 (possession of article for terrorist purposes)
 - section 59 (inciting terrorism overseas).

International Criminal Court Act 2001 (c. 17)

- 30 An offence under any of the following provisions of the International Criminal Court Act 2001—
- section 51 (genocide, crimes against humanity and war crimes)
 - section 52 (ancillary conduct).

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 31 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
- section 47 (use of nuclear weapons)
 - section 50 (assisting or inducing certain weapons-related acts overseas)
 - section 113 (use of noxious substance or thing to cause harm or intimidate).

Female Genital Mutilation Act 2003 (c. 31)

- 32 An offence under any of the following provisions of the Female Genital Mutilation Act 2003—
- section 1 (female genital mutilation)
 - section 2 (assisting a girl to mutilate her own genitalia)
 - section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

Sexual Offences Act 2003 (c. 42)

- 33 An offence under any of the following provisions of the Sexual Offences Act 2003—
- section 1 (rape)
 - section 2 (assault by penetration)
 - section 3 (sexual assault)
 - section 4 (causing person to engage in sexual activity without consent)
 - section 5 (rape of child under 13)
 - section 6 (assault of child under 13 by penetration)
 - section 7 (sexual assault of child under 13)
 - section 8 (causing or inciting child under 13 to engage in sexual activity)
 - section 9 (sexual activity with a child)
 - section 10 (causing or inciting a child to engage in sexual activity)
 - section 13 (child sex offences committed by children or young persons)
 - section 14 (arranging or facilitating commission of child sex offence)
 - section 15 (meeting a child following sexual grooming)
 - section 16 (abuse of position of trust: sexual activity with a child)
 - section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity)
 - section 18 (abuse of position of trust: sexual activity in presence of child)
 - section 19 (abuse of position of trust: causing a child to watch a sexual act)
 - section 25 (sexual activity with a child family member)
 - section 26 (inciting a child family member to engage in sexual activity)
 - section 30 (sexual activity with a person with a mental disorder impeding choice)
 - section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity)
 - section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice)
 - section 33 (causing a person with a mental disorder impeding choice to watch a sexual act)
 - section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)
 - section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception)
 - section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder)
 - section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception)
 - section 38 (care workers: sexual activity with a person with a mental disorder)
 - section 39 (care workers: causing or inciting sexual activity)
 - section 40 (care workers: sexual activity in the presence of a person with a mental disorder)
 - section 41 (care workers: causing a person with a mental disorder to watch a sexual act)

- section 47 (paying for sexual services of a child)
- section 48 (causing or inciting child prostitution or pornography)
- section 49 (controlling a child prostitute or a child involved in pornography)
- section 50 (arranging or facilitating child prostitution or pornography)
- section 61 (administering a substance with intent)
- section 62 (committing offence with intent to commit sexual offence)
- section 63 (trespass with intent to commit sexual offence)
- section 64 (sex with an adult relative: penetration)
- section 65 (sex with an adult relative: consenting to penetration)
- section 66 (exposure)
- section 67 (voyeurism)
- section 70 (sexual penetration of a corpse).

Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 34 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

Terrorism Act 2006 (c. 11)

- 35 An offence under any of the following provisions of the Terrorism Act 2006—
- section 5 (preparation of terrorist acts)
 - section 6 (training for terrorism)
 - section 9 (making or possession of radioactive device or material)
 - section 10 (use of radioactive device or material for terrorist purposes)
 - section 11 (terrorist threats relating to radioactive devices etc).

Modern Slavery Act 2015 (c. 30)

- 36 An offence under any of the following provisions of the Modern Slavery Act 2015—
- section 1 (slavery, servitude and forced or compulsory labour)
 - section 2 (human trafficking).

Ancillary offences

- 37 (1) An offence of attempting or conspiring to commit an offence listed in this Schedule.
- (2) An offence committed by aiding, abetting, counselling or procuring an offence listed in this Schedule.
- (3) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence listed in this Schedule.”

Amendment 69, in clause 9, page 7, line 36, at end insert—

- “(3) The Secretary of State must, within two years of the date of Royal Assent to this Act, publish a report on convictions for the offence introduced by this section.
- (4) In preparing the report under subsection (3) the Secretary of State must consult with whichever individuals or bodies the Secretary of State sees fit.
- (5) The report under subsection (3) must include—
- (a) the number of convictions for offences under section 139AB of the Criminal Justice Act 1988 in each year for which this section has been in force;
 - (b) the types of relevant weapon involved in such offences;
 - (c) details of how the individual came into the possession of the relevant weapon, including details of whether any laws relating to the sale or delivery of bladed or other offensive articles were breached; and

- (d) recommendations on whether, in light of the findings of the report, further review is needed on existing laws and processes relating to the sale or delivery of bladed or other offensive articles.”

Amendment 32, in clause 13, page 10, line 15, after “Administering” insert “or attempting to administer”.

Amendment 33, page 10, line 19, after “administers” insert “or attempts to administer”.

Amendment 34, page 10, line 20, after “administration” insert “or attempted administration”.

Amendment 35, page 10, line 23, after “causes” insert “or attempts to cause”.

Amendment 36, page 10, line 25, after “administration” insert “attempted administration”.

Amendment 37, page 10, line 26, leave out from “life” to end of line 27 and insert

“, inflicts grievous bodily harm on them, or causes them annoyance or humiliation, and”.

Government amendments 142 and 143.

Amendment 38, page 11, line 3, leave out from “Administering” to end of line 4 and insert

“or attempting to administer etc harmful substance with intent to injure, aggrieve, annoy or humiliate”.

Amendment 39, page 11, line 6, after “administers” insert “or attempts to administer”.

Amendment 40, page 11, line 7, after “causes” insert “or attempts to cause”.

Amendment 41, page 11, line 9, leave out from “aggrieve” to end of line 10 and insert

“, annoy or humiliate the other person, or for the purposes of the entertainment of the person or any other person.”

Government amendments 144 to 150

Amendment 57, in clause 28, page 34, leave out lines 34 and 35 and insert—

- “(4) The court may, as part of an order under subsection (2), add conditions about the use of reasonable force, if necessary and proportionate, to give effect to an order under subsection (2).
- (4A) Conditions referred to in subsection (4) may only be added if the court is satisfied that there are sufficient, properly trained and equipped staff available to give effect to the order, and the conditions added to it, safely.”

This amendment would ensure the courts satisfies itself that staff would not be put at risk when ordering a defendant to attend sentencing.

Government amendments 151 to 153

Amendment 58, in clause 33, page 39, line 14, at end insert —

- “(2A) The Secretary of State may not issue a warrant under subsection (2) where—
- (a) the prisoner has less than 180 days to serve of the requisite custodial period;
 - (b) the prisoner is serving an indeterminate sentence of imprisonment or detention for public protection; or
 - (c) the Secretary of State is satisfied that the prisoner should continue to be detained in a domestic prison for the purposes of—
 - (i) receiving instruction or training which cannot reasonably be provided in a prison in the foreign country, or

- (ii) participating in any proceeding before any court, tribunal or inquiry where it is not reasonably practicable for the participation or to take place in a prison in the foreign country.”

The amendment would introduce exclusions on the type of prisoner that could be issued with a warrant to serve their sentence in a foreign country. It excludes people with less than 6 months to serve, those serving indeterminate sentences for public protection and those who need to be detained in the UK for education/training purposes or for legal proceedings (e.g. parole).

Amendment 59, in clause 35, page 40, line 41, at end insert—

- “(c) report to the Secretary of State on any breaches of the arrangement made between the United Kingdom and a foreign country.”

This amendment would require the Controller to make a report to the Secretary of State on any breaches of the arrangement between the foreign country and the UK.

Amendment 60, page 41, line 3, leave out “may” and insert “must”.

This amendment would ensure that the prisons inspectorate must conduct the duties specified in new section 5A(5D) of the Prisons Act 1952 and ensures its consistency with the legislative basis for its role in England and Wales.

Amendment 61, page 41, line 4, after “prisons” insert “and escort arrangements”.

This amendment would ensure that HM Inspectorate of Prisons can inspect escort arrangements under which prisoners are transferred to foreign prisons. This would bring the legislation into line with inspectorate’s powers in relation to UK prisons and escort arrangements under amendments to the Prisons Act made by the Immigration, Asylum and Nationality Act 2006 (s.46) and ensures scrutiny of an area of evidenced risk.

Amendment 62, page 41, line 8, at end insert—

- “(4) In section 1 of the Coroners and Justice Act 2009, after subsection 2(c) insert—
“(d) the deceased died while in custody or otherwise in state detention in a foreign country pursuant to a warrant issued by the Secretary of State under section 26 of the Criminal Justice Act 2024 (warrant for transfer of prisoner to or from foreign prison).”

This amendment would clarify how the government intends to apply its obligations under Article 2 (right to life) of the Human Rights Act, through ensuring the duties of the coroner also apply to any death involving a prisoner subject to a transfer agreement with a foreign country.

Amendment 56, in schedule 2, page 105, line 4, at end insert—

“66AD Faking intimate photographs or films using digital technology

(1) A person (A) commits an offence if A intentionally creates or designs using computer graphics or any other digital technology an image or film which appears to be a photograph or film of another person (B) in an intimate state for the purposes of—

- (a) sexual gratification, whether of themselves or of another person;
- (b) causing alarm, distress or humiliation to B or any other person; or
- (c) committing an offence under sections 66A or 66B of the Sexual Offence Act 2003.

(2) It is a defence to a charge under subsection (1) to prove that—

- (a) A had a reasonable excuse for creating or designing the image or film, or
- (b) that B consented to its creation.

(3) A person who commits an offence under subsection (1) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years.”

This amendment would make the creation of “deepfake” intimate images an offence.

Amendment 160, page 110, line 14, at end insert—

“Online Safety Act 2023

21 In Schedule 7 to the Online Safety Act 2023 (priority offences), after paragraph 31 insert—

“Non-consensual intimate photograph or film

31A An offence under any of the following provisions of the Sexual Offences Act 2003—

- (a) section 66A (sending etc photograph or film of genitals);
- (b) section 66AA (taking or recording intimate photograph or film);
- (c) section 66AC (installing etc equipment to enable taking or recording of intimate photograph or film);
- (d) section 66B (sharing or threatening to share intimate photograph or film).”

This amendment makes non-consensual intimate photographs and films “priority illegal content” and so subject to duties to prevent individuals from encountering such content and to minimise the length of time such content is present (as is currently the case for child sexual exploitation and abuse content).

Government amendment 161.

Government amendment 163.

Government amendments 154 to 157.

Government amendment 70.

Government amendments 158 and 159.

Laura Farris: I have heard what was said by the hon. Member for Poplar and Limehouse (Apsana Begum) and my right hon. Friend the Member for Basingstoke (Dame Maria Miller) and made a careful note. The fact that this debate is split over two days may have contributed to that, but I have listened carefully and will take that point away.

It is an honour, again, to open this debate and bring this important Bill back to the House on Report. Its focus is on countering developing criminal threats, intercepting serious organised crime, and protecting vulnerable victims. I thank Members across the House for their constructive engagement on the Bill, as well as the police, leading academics, practising lawyers and campaign groups, some of whom appeared before us in Committee. They have all contributed to the Bill’s development. There are many topics to discuss today, and I look forward to hearing the views of Members.

The Government are bringing forward a number of amendments that we believe are appropriate and necessary to punish offenders and enhance the protection that victims deserve. Briefly, I will explain the key Government amendments, starting with those about which I anticipate there will be no dispute: namely, the extension to Northern Ireland of our new spiking measures in clause 13, and the statutory aggravating factor for grooming activity in relation to child sexual offences in clause 30. New clause 88 provides for equivalence in sentencing for

[*Laura Farris*]

terrorist offenders between England and Wales and Northern Ireland, as a consequence of the irregularity that was identified in the case of *R v. Perry*.

Government new clause 89 extends the time limit for the unduly lenient sentence scheme, and will extend the overall time limit to six weeks. A request must still be submitted by any prospective appellant to the Attorney General's Office within the usual 28 days, but the Attorney General's Office will have an additional 14 days to consider whether the case is appropriate for submission to the Court of Appeal. In recent years the number of cases referred to the Law Officers has increased, in part due to a better awareness of the scheme. We consider it to be in the interests of justice that each application is given due care and attention, even when it is submitted close to the 28-day deadline, and we believe that the new clause is a proportionate way of achieving that.

On attendance at sentencing hearings, a change has been initiated already in the legislation in response to public concerns about high-profile cases, such as those of Lucy Letby, Jordan McSweeney and Thomas Cashman, all of whom refused to attend their sentencing hearing.

Rob Butler (Aylesbury) (Con): Does my hon. Friend agree that such cases, which have rightly gained a huge amount of public traction, are ones where it is appropriate for the Government to be making further announcements and putting in measures at this stage?

Laura Farris: I agree with that sentiment entirely. We are already creating an express statutory power at clause 28 to compel an offender to attend the sentencing hearing if they have been convicted of a crime for which the maximum sentence is life, but we have also listened to those concerned about offences that might not be caught by that power. I confirm that the Government has tabled amendments 148 to 150 to extend the measure to all offences that might attract a maximum sentence of 14 years or more.

James Wild (North West Norfolk) (Con): I am grateful to the Lord Chancellor, the Minister and other Ministers for listening to the case I made on Second Reading for extending the power. I had a case in my constituency where an offender was convicted of sexually assaulting a child under 13, which carries a 14-year sentence. They hid away in their cell and did not come to court. Under the original provisions, they would not have been captured, but under these amendments they will be, and I welcome that.

Laura Farris: I thank my hon. Friend, because the speech he gave on Second Reading played a major role in the changes we are introducing today. I reassure him that the change brings into scope most sexual assault cases, terrorist cases and racially aggravated offences, and I confirm to him that the specific case he raised on Second Reading would have been brought into scope by the change for which he has campaigned. I remind the House that the sanction for non-attendance at a sentencing hearing is up to a maximum of another two years in custody.

Government new clause 86 creates an offence of creating a sexually explicit deepfake of an adult without their consent. Members will be aware that the sharing of intimate images, whether real or fake, is already

proscribed under the Online Safety Act 2023. We consider that we cannot complete the task of protecting people, principally women, unless we add the creation of pseudo-images or deepfakes to that package of protection. We are the first national legislature to take this step—if I am wrong about that, we are among the first—and we do so because we recognise the inherent risk posed by the creation of these images, both to the individual depicted and to society more widely.

Caroline Nokes (Romsey and Southampton North) (Con): I know that the Minister will have given thought to this, but does she agree that there is a problem not just with deepfake sexual images, but more widely with deepfake images that purport to show individuals and potentially even Members of this House doing and saying things that they have not and that have no sexual connotations whatever?

Laura Farris: I am grateful to my right hon. Friend for raising that point. We are encountering a rapidly changing world of deepfake images that can be used for the purposes of manipulating voices to try to influence political attitudes and choices. I have to make it clear that the new clause is confined only to the creation of sexually explicit images. However, it is my hope, humbly expressed at this Dispatch Box, that it may provide a gateway and lever for the development of more law in this area, and I thank her for her intervention.

Vicky Ford (Chelmsford) (Con): I particularly thank the Minister for this new clause. It obviously only covers adults, because producing sexual content of children is already illegal, but I am told that since the Government announced their intention to move the new clause, Apple and Google have already removed from their app stores a number of apps that were enabling users to produce deepfake nudes. Those applications have been used to create indecent images of children, as well as of adults. Disabling those apps has already helped to keep the public safe and to significantly improve the safeguarding of children. Just by tabling the new clause, the Government have already forced the industry to act in the UK.

Laura Farris: That is music to our ears. It was not lost on us that, within days of making the announcement, two of the major deepfake or nudify sites had blocked access to UK users in anticipation of the fact that even the act of using that site would become a criminal offence under our impending legislation.

Greg Clark (Tunbridge Wells) (Con): I thank the Minister for her personal championing of this new clause. As she knows, the Science, Innovation and Technology Committee recommended it, and we benefited from a seminar conducted with the campaigners that *Glamour* magazine brought together to bring the experience of people right across the country to a focal point. They deserve credit for having brought this issue to the House, as does the Minister for championing it so brilliantly and bringing the new clause today.

Laura Farris: I have to thank the team at *Glamour* magazine, because they led an excellent campaign. I was halfway through trying to make the change myself when I became aware of it, but I read the material that they put out. It totally chimed with our objectives, and I know that my right hon. Friend welcomed the team to Parliament just a few weeks ago.

Dame Maria Miller (Basingstoke) (Con): Intimate image abuse is an important issue to be dealt with. Can the Minister explain why she has not approached it in the same way as her colleagues approached it in the Online Safety Bill? It was a long-fought battle to have the Online Safety Bill recognise consent as pivotal, yet she has chosen not to take that approach at this stage, which I think many will find disappointing.

Laura Farris: I want to be crystal clear that, under the new clause, the offence is committed if the pseudo-image is created without the consent of the person who is the subject. That is at subsections 1(c) and 2(c) of proposed new section 66AD.

Let me talk for a moment about intent. The new clause differs from some of the content in the Online Safety Act 2023. It does not relate to intimate images, such as a person wearing a swimsuit, but applies to sexually explicit images, which are defined in legislation. It requires not only that the image is sexually explicit and is created without the consent of the subject matter, but that it is done for the purposes of sexual gratification or with the intent of causing humiliation, alarm or distress. I gently say that a similar measure was debated in the Bill Committee. I think it was tabled by the hon. Member for Nottingham North (Alex Norris), and he will recognise that the intent of the provisions that the Government have adopted is the same as the Opposition's.

I am aware of what my right hon. Friend the Member for Basingstoke is saying about the base events. Perhaps I can allay her concerns by simply saying this: it is a novel new measure for any Government to take. She makes sensible and compelling arguments on this point, and I hope she will feel reassured if we take an iterative approach for the time being. She will recall that the Law Commission recommended that we did not introduce legislation at all, and I will come on to say a little about that. It is right to say that other countries are looking at us carefully. The Justice Secretary was at the G7 in Venice just last weekend, and other G7 Justice Ministers had noticed that we are making this change and were observing carefully. We are making this change because we recognise the inherent risk posed by these images and that the offence is overwhelmingly targeted at women, predicated on an absence of consent. As such, we consider it a gateway to more serious offending.

We make some points by way of clarification. We carefully considered the Law Commission's recommendations in its excellent report on intimate image abuse, which has informed much of our recent work, although respectfully on this, we have diverged from its point of view. In response to some of its concerns, I would like to reassure the House. We recognise that the amendment could criminalise young people, particularly teenage boys. To reduce the risk of over-criminalisation, we believe that we have set pragmatic parameters. Creation alone will be a non-imprisonable offence, although it will incur a potentially unlimited fine. The offence of creation alone would not attract notification requirements, meaning that the offender will not be placed on the sex offenders register. As hon. Members will know, all of that changes if the image is shared. Victims of that offence will be entitled to automatic anonymity in line with all the other sexual offences and they will also be eligible for special measures at trial. We

are delighted to see major deepfake websites withdraw from the United Kingdom and we encourage the others to follow their lead.

I turn to Government new clause 87, which introduces a statutory aggravating factor for manslaughter involving sexual conduct. The clause corresponds to, and potentially should be read in conjunction with, section 71 of the Domestic Abuse Act 2021, which says that it is not a defence to argue that a victim consented to the infliction of serious harm for the purpose of sexual gratification.

We have long held concerns about killing of this nature where, by definition, the victim cannot give an account of consent, yet on occasions the court has implicitly sought to categorise the killing as a consequence of sexual choice, as opposed to the consequence of the development of social norms based on structural inequality. We invited the eminent criminal barrister Clare Wade KC to consider the issue specifically in her domestic homicide review last year. She said that cases of this nature must be viewed through the prism of coercive control and that

"the policy underpinning law ought to consider the wider harms which emanate from the behaviour which can and does lead to this category of homicide."

We agree, and we are increasing the punishment for degrading and abusive conduct of this nature. Following careful consultation with the Sentencing Council, we are tabling a statutory aggravating factor so that sentences for manslaughter involving sexual conduct must be more severe. It will cover all cases where the act is directly attributable to sexual conduct.

I want to provide the hon. Member for Birmingham, Yardley (Jess Phillips) with one point of reassurance. She will know from all her work, and particularly the research conducted by We Can't Consent To This and the team, that of all these homicides almost 60% are strangulation cases. I know that that is not the point that she wishes to make with her amendment, but there is some overlap.

On parental responsibility, as hon. Members will be aware, the Government have already amended the Children Act 1989 via the Victims and Prisoners Bill to provide for the automatic suspension of parental responsibility in cases where one parent kills the other. We are making an amendment to develop the law further, providing that, where a father is convicted of child rape, parental responsibility that he may have for any child will be automatically suspended.

I pay tribute to the right hon. and learned Member for Camberwell and Peckham (Ms Harman)—I think that she is in the wars at the moment—for the way in which she has presented this issue. She has advanced the compelling argument that we have long-established principles to protect children from sex offenders by placing people on the sex offenders register and protecting them from working with children, but while we have measures to protect other people's children, the same protection does not exist for the children of the offender unless the mother goes to the family court to remove his rights.

I also pay tribute to Sanchia Berg, the journalist who revealed this issue through her work and highlighted the practical obstacles that some mothers had faced in making this application, as well as other families who have talked about their experience, including via their

[*Laura Farris*]

Member of Parliament, one example being my hon. Friend the Member for Meriden (Saqib Bhatti); I am not sure if he is in his place.

The father will still be able to apply to the family court to have the suspension of his parental responsibility lifted, but it is obviously fair to assume that, if he has been convicted of child rape, such an application is unlikely to succeed. We have also included a clear requirement for this measure to be reviewed after it has been in place for three years.

Jess Phillips (Birmingham, Yardley) (Lab): It is a pleasure to see in the Public Gallery some of the families who have championed this issue in the west midlands. Am I right in thinking—I really hope that I am not—that this measure covers only those convicted of the rape of a child, not other sexual offences against a child and a child aged 13 or over?

Laura Farris: The hon. Member is correct. I simply want to say again that this is a novel power that we are extending to Crown court judges, who typically do not have any knowledge of family law matters or a family law background. Once again, we think it is right that we take an iterative approach. There was a dialogue between the Mother of the House and the Lord Chancellor on this point, and she agreed with the approach. I do not want to put words in her mouth, and I am keenly aware of her absence when she should be speaking to her new clause, but I believe that she is satisfied with where we have got to. I commend the new clause and urge all colleagues to give it their support.

I turn next to new clauses 94 and 95 and new schedule 4. I commend my right hon. Friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith) for his excellent campaign and dedication to crafting a new offence. I must also mention my hon. Friends the Members for Eastbourne (Caroline Ansell) and for Hertford and Stortford (Julie Marson), who also came to see me and made a really compelling argument.

1.45 pm

When it comes to cuckooing, although there are a range of current offences that can be applied, the Government have listened carefully to concerns about weaknesses in the existing legal framework. New clause 94 therefore provides for a bespoke criminal offence to tackle cuckooing. The offence criminalises the control, whether exercised by means of coercion or otherwise, over another person's home for the purpose of using it as a base to commit specified criminal activity. The specified offences, which are listed in the new schedule, include drugs offences, sexual offences and offensive weapons crimes. I stress that that is a non-exhaustive list, which the Secretary of State can amend as modes of criminality might develop.

I want to give some reassurance to my right hon. Friend about the issue of consent, which is of course a defence if a person has allowed somebody into their home. Consent will apply only if it is determined to have been given freely and to have been given on a continuous basis. Of course, coercion is the principal test that would be applied in assessing that freedom of choice.

Sir Iain Duncan Smith (Chingford and Woodford Green) (Con): I am grateful for that. The key bit about cuckooing is that the police have never been able to arrest somebody because they have taken over a house; they have to prove that there are criminal activities inside. This new offence will therefore break new ground and protect people.

There is an important point about coercion. Will the Minister guarantee that in the guidance notes attached to the Bill it will be clear to the police that they should be checking that victims are not being coerced into saying that they have given their consent? It is important for the police to know that.

Laura Farris: That is an excellent suggestion. I confirm that and thank my right hon. Friend once again.

Before I conclude, I would like to address a number of other matters that have been raised by hon. Members and tabled as amendments. I start with the new clause tabled by my hon. Friend the Member for Chatham and Aylesford (Dame Tracey Crouch)—

Mr Alistair Carmichael (Orkney and Shetland) (LD): Before the Minister moves on—I apologise if she has addressed this and I missed it—could I get from her an explanation about Government new clause 102, which seeks to remove the protections of the Human Rights Act by effectively excluding the defence of lawful or reasonable excuses? This is now the fourth piece of legislation that the Government have introduced that will remove the protections of the Human Rights Act. We understand the reasons why they could not proceed with a Bill of rights, but surely if they are to remove human rights protections, that should be done in a proper, considered manner and not through salami slicing such as this.

Laura Farris: I will have to double-check that new clause, but I simply say that, with two exceptions, all the convention rights are qualified rights, which can be restricted in reasonable circumstances. I promise that I will check that and come back to the right hon. Gentleman in winding up the debate, if I may.

I was in the process of paying tribute to my hon. Friend the Member for Chatham and Aylesford and my right hon. Friend the Member for Tunbridge Wells (Greg Clark) for the outstanding representation that they have given to their constituents who were affected by David Fuller's acts of depravity. That is reflected in new clause 62, which the Government support, on the offence of necrophilia.

It is perhaps a rare thing in 2024 that an offence can be identified that Parliament has not previously considered, but such was the extent of Fuller's offending that we have had to do so. The Government are pleased to confirm that the Sexual Offences Act 2003 will be amended by the Bill to capture the sexual touching of a corpse with a new maximum sentence of seven years for penetrative offences and five years for non-penetrative acts.

Dame Tracey Crouch (Chatham and Aylesford) (Con): I thank the Minister for her kind comments. My right hon. Friend the Member for Tunbridge Wells (Greg Clark) will try to catch the Deputy Speaker's eye later to speak in more detail on this, but let me take this opportunity to pay tribute to the Minister for taking a

lot of time to work through this amendment thoughtfully and correctly, to provide greater protection and give some comfort to the families of the victims of David Fuller that justice has been thought about. She has listened sensitively and carefully to the comments of our constituents.

Laura Farris: I thank my hon. Friend for her comments. They were truly appalling crimes, and I had the constituents of both my hon. Friends in mind when I thought about how to develop the law. We cannot change what happened in the past, but I hope we can send the clearest possible message in future.

I want to come to a couple of other matters, though I will not pre-empt what hon. Members might be inclined to say. First, I want to talk about new clause 9, on one-punch manslaughter. I pay special tribute to my hon. Friend, and my friend, the Member for Bishop Auckland (Dehenna Davison). This was not an ordinary campaign for her, but one born out of the deep tragedy of her childhood. I know that she will speak to the new clause, and I will respond in detail, but I hope she will not mind my saying that I think her dad would feel very proud of how she has conducted herself on this issue, and would be pleased with the changes that we are making.

I come to the amendments tabled by the hon. Member for Stockton North (Alex Cunningham) on prisoner transfer to overseas prisons. I want to set out the Government's position in general, and in particular in relation to the transfer criteria. The Government agree that not all prisoners will be appropriate for transfer to rented prisons overseas—indeed, the hon. Member has set out some very sensible principles in his own amendment. I would like to give him three points of reassurance. The proposal for foreign prisoner transfer will extend to approximately 600 prisoners—equivalent to just under half of 1% of the entire prison estate. I can confirm that we will not negotiate a prison transfer agreement with a women's prison.

We will conclude a deal only with a country that can demonstrate that its prison conditions and capabilities meet the applicable human rights standards. The Secretary of State retains responsibility for each prisoner, which ensures that any transferred prisoner retains all their rights under the European convention on human rights, irrespective of where they may be transferred. However, we believe that legislation is the best place for negotiating further terms, with the appropriate involvement of experts. The Lord Chancellor has already confirmed that the use of these powers requires a valid international agreement, and any such agreement would be put before Parliament as a treaty, subject to ratification procedures contained in the Constitutional Reform and Governance Act 2010.

Sir Robert Neill (Bromley and Chislehurst) (Con): I am grateful to the Minister for those reassurances, but some of us have marked misgivings about the whole concept, which speaks a little more of gimmickry than anything likely to ease the real pressures on our prisons. That said, I can see that it might be a tool in the box. Could she help me on two matters that the Law Society has raised? If the agreements are used, what arrangements will ensure that prisoners are able to access legal advice in a proper way, perhaps in relation to appeal or other proceedings? That is essential to ensure a fair approach. How will they be able to participate remotely if necessary

in any ongoing legal proceedings? Secondly, what is to be done about family visits? As the Minister will know, the retention of family ties is particularly important, and recognised universally as a key factor in rehabilitation and preventing reoffending. We would not want to disrupt those opportunities for anyone being transferred.

Laura Farris: I thank my hon. and learned Friend for his sensible intervention, which engaged two issues: article 6 considerations on the right to a fair trial, and article 8 considerations on the right to respect for private and family life. We are keenly aware of those obligations. I am sorry that I cannot give more detail on that, only the extra reassurance that the Lord Chancellor has insisted that prisoners will retain all their rights under the convention. These will be principal considerations. I will ask the Lord Chancellor to write to my hon. and learned Friend to flesh out some of those responses.

Ruth Edwards (Rushcliffe) (Con): My hon. Friend has given a wide-ranging opening speech, but I want to press her on one more issue: spiking. First, I thank her for recognising the importance of creating an offence to cover it. We had a spate of spiking attacks in Nottingham, and the stories of the young people affected were chilling. I seek her reassurance that we will create the most robust possible legislation in this area, and that she will look kindly on the amendment tabled by my hon. Friend the Member for Gloucester (Richard Graham), who has led a fantastic campaign to get spiking recognised in law. It is so important that we cover all the intentions that someone might have when they set about spiking someone, even if it is that they thought it might be a bit of fun. It is certainly not fun for their victims, and it is important that we do not create a loophole where offenders might be able to wriggle off the hook.

Laura Farris: I hope that I can provide my hon. Friend, my right hon. Friend the Member for Chelmsford (Vicky Ford) and my hon. Friend the Member for Gloucester (Richard Graham) with some reassurance. The offence is drafted to cover all possible outcomes. We looked very carefully at the wording. I want to provide some specific reassurance about “attempt”, which I know my hon. Friend the Member for Gloucester is concerned about; it is in his amendment. It is not necessary to put a separate offence of attempting to spike in the Bill, because it is captured as an inchoate offence under section 1(4) of the Criminal Attempts Act 1981, which covers all forms of attempt of a crime that is on the statute book. I hope that provides some reassurance.

I thank Members on all sides of the House for their engagement in the Bill, their joint commitment to its successful development as legislation that enhances our criminal justice system, and that delivers robust protection, appropriate penalties and a better framework of justice for the public. Our Government amendments achieve that, and I will respond in due course to Members' views. I commend the amendments and new clauses to the House.

Mr Deputy Speaker (Sir Roger Gale): I call the Opposition spokesperson.

Alex Cunningham (Stockton North) (Lab): We are finally here, 18 weeks since Committee stage was completed. The Government are running scared, not just from us

[Alex Cunningham]

on the Opposition Benches but from their own Members. We very much welcome the huge piles of concessions made and the clauses withdrawn. I give credit to Members across the Benches for holding the Government to account. Surely, the Bill must be one of the best examples ever of how not to create new legislation, with dozens of Government amendments in Committee and now dozens more on Report, as well as many new clauses from Ministers. By Friday evening there were as many as 70 pages of them from the Government alone.

Katherine Fletcher (South Ribble) (Con): The hon. Gentleman seems to suggest that Ministers should not listen to cases made by Members on both sides of the House.

Alex Cunningham: It is to the Government's credit that they have listened to people across the piece. However, huge numbers of clauses and new ideas have been brought forward by the Government, which were not tabled in Committee or even mentioned on Second Reading. As my hon. Friend the Member for Poplar and Limehouse (Apsana Begum) said, this is not the way to do business.

Let me address the many Government new clauses and amendments, and those in my name and that of my partner in crime, the hon. Member for Nottingham North (Alex Norris), and those in the name of my hon. Friend the Member for Birmingham, Ladywood (Shabana Mahmood) and others. Starting with amendment 56 in the name of my hon. Friend the hon. Member for Nottingham North, and Government new clause 86, the creation of deepfake pornography is a modern phenomenon, but one with very traditional intention: to cause humiliation, distress and public embarrassment, and to weaken the victims' relationships.

It is right that, as the technology becomes more sophisticated, so do the legal protections. On Second Reading and in Committee we welcomed the Bill's provisions on intimate photographs or films and voyeurism. Sexual offending in the online and digital word continues to grow at a terrifying pace. The rise in deepfakes is concerning for a variety of reasons, not least for the impact on political debate and the spread of false information. I have also been horrified by reports of the use of deepfakes to sexually harass and humiliate individuals. The exponential rise in the use of explicit deepfake images demands urgent legislative action. Creating an explicit deepfake without someone's consent is a deeply violating act, one that causes victims to feel embarrassed, alarmed and unsafe.

I commend my hon. Friend the Member for Luton North (Sarah Owen) for her work on new clause 43. It would create an offence of creating or sharing misleading content. Such content can reach a wide audience in a short space of time, with questions over legitimacy coming far too late, when the harm has already been done. My hon. Friend recognises the impact that such abuse of technology has on our democracy.

2 pm

As we said in Committee, there is a gap; we felt that victims ought to have similar, or the same, protections when imagery is faked as they do when the image is real. We were disappointed that the Government knocked

that suggestion back in Committee, but we welcome the fact that they have now tabled their own version of an amendment that addresses the point in Government new clause 86, which we will, of course, support.

Dame Maria Miller: On new clause 86, does the hon. Gentleman share the concern of many women outside this place about the almost backward step the Government have taken by not focusing on a base offence relating to people giving consent to their images being used? I thought we had won that argument, but that seems to have evaporated. That was central to the Online Safety Act 2023. Why is he not pressing for that change, as others are outside this place?

Alex Cunningham: The right hon. Member makes a strong point, and it is up to the Government to respond to it. We believe that we should extend all protections to women in all circumstances.

We welcome amendment 160 in the name of the Chair of the Women and Equalities Committee, the right hon. Member for Romsey and Southampton North (Caroline Nokes). The Online Safety Act made significant progress on intimate image abuse, or revenge porn, which is an abhorrent crime, and it is right that, through this Bill, we continue the good work done through that Act. We therefore support amendment 160, which would make offence relating to non-consensual intimate photographs or films priority offences under the Online Safety Act. That will ensure that this heinous practice is treated seriously and dealt with proactively, so that the harm it causes is reduced.

New clause 87 makes it an aggravating factor if an offence of manslaughter involves sexual conduct, and does the same for the corresponding service offence. The Government had support from across the House when they restated in statute, in the Domestic Abuse Act 2021, that

"a person is unable to consent to the infliction of harm that results in actual bodily harm or...their own death, for the purposes of obtaining sexual gratification".

It will therefore not surprise the Government to hear that the new clause has the support of Labour Members. We are all aware of the high-profile cases in which women have been killed as a result of allegedly consensual sado-masochistic acts of violence during sex. We share the Government's ambition to do more on the issue, in recognition of the serious public concerns about these horrific cases.

Amendment 57, in my name, would ensure that when courts ordered a defendant to attend sentencing, they first satisfied themselves that that would not put their staff at risk. Government amendments 149 and 150 lower the threshold for the availability of the new power to order an offender to attend a sentencing hearing, so that it applies where an offence is punishable with imprisonment for 14 years or more.

Clause 28 comes in the wake of a dismaying trend of high-profile criminals opting not to attend their sentencing hearing. Former neonatal nurse Lucy Letby did that in August last year. She refused to attend her sentencing hearing for the murder of seven babies, and the attempted murder of another six entrusted to her care. Having also refused to attend via video link, she remained in the cells below Manchester Crown court as bereaved family members delivered victim personal statements,

and the judge passed a whole life order in her absence. In April last year, Thomas Cashman exploited the same procedural rule by refusing to attend his sentencing hearing. He travelled to Manchester Crown court, but declined to leave his cell, claiming that he had been provoked by court officials. He received a sentence of life imprisonment, with a minimum term of 42 years, for the fatal shooting of nine-year-old Olivia Pratt-Korbel in her home. We share the view that, wherever possible, defendants ought to hear the victim impact statements setting out how victims and families have been affected by the crime.

In Committee, the Under-Secretary of State for the Home Department, the hon. Member for Newbury (Laura Farris), accepted that

“the judge now has discretion to make such an order, but we have found that it is not evenly or always applied”—[*Official Report, Criminal Justice Public Bill Committee*, 16 January 2024; c. 244.]

as in the case of Lucy Letby, where the judge did not compel her attendance. The Minister said that putting the measure in the Bill would ensure a power in statute for a judge to compel a person to attend their sentencing for any serious offence for which the maximum sentence is a life sentence. The Government’s pages of amendments include those to clause 28, and we are supportive of all efforts to improve the Bill’s workability. I said in Committee that there is nothing in the Government’s explanatory notes about the resources needed to deliver the policy. Likewise, there was little if anything about how the staff who would be at the sharp end of delivering a defendant to court will be protected. The charity Justice raised the concern with me that the policy puts staff at risk; it is questionable whether the discretion to use force in proposed new section 41B(4) of the Sentencing Code is real, or merely apparent, in view of proposed new section 41B(6).

Sir Robert Neill: I have a lot of sympathy with the points the shadow Minister is making. It is right that there should be a power—I think we all agree—to prevent vile offenders from showing the cowardly behaviour of not facing the relatives and hearing their sentence in person. However, the Professional Trades Union for Prison, Correctional and Secure Psychiatric Workers has a concern, which he rightly raises. Prison officers already put their life on the line every day—they can be subject to violence when going about their work in prisons—but there is a particular concern. We are extending the measure to a wider range of offences, and very often, those involved in bringing people to court are contractors—from, say, Serco—who may not have the experience or training to deal with these rather difficult situations. It is perhaps therefore all the more important that there be proper consultation with the workforce who will be at the sharp end, as he says.

Alex Cunningham: Indeed; that is very much the case. A few paragraphs further on in my speech, I will address that point specifically, as I did in Committee.

Proposed new section 41B(6) states:

“A person is to be treated as having complied with an order under subsection (2) if they have done all that they reasonably can to secure that the offender is produced before the court for the sentencing hearing.”

Given that subsection (4) provides the authority to use “reasonable force”, those responsible for producing the offender who fail to use such force are arguably at risk of being held in contempt for failing to comply with a

court order. Prison governors and custody officers are accordingly placed in an invidious position. In her letter to me dated 1 March, the Minister said:

“Prison officers and Prison Escort and Custody Service staff are trained in control and restraint techniques, and we would expect them to use these skills to enforce a lawfully given order that an offender should attend court. Further guidance, training and, if required, personal protective equipment will be provided to ensure that prison and escort staff are fully supported to affect such court orders. The security and safety of prisoners, and well-being of prison officers will remain a priority.”

When I first considered clause 28, I made enquiries about how reasonable force is currently used by prison officers to deliver a defendant to court. It came as a surprise to me to learn that it involves three prison officers in full riot gear, including overalls, gloves, steel-toed boots, helmets and shields, approaching the prisoner, securing them and getting them into the transport vehicle. Their job is then complete, and responsibility passes to the private security firm staff to deliver the defendant to the court. Unlike the prison officers, neither private security staff nor receiving court staff are equipped with the personal protective equipment or the training to transfer the defendant first into the court cell and then to the dock. That was exactly the point raised by the Chair of the Justice Committee, the hon. and learned Member for Bromley and Chislehurst (Sir Robert Neill). I want to raise again with the Minister the question of whether the clause will ensure that all staff involved in producing a prisoner at their sentencing hearing are protected, all the way from the cells to the dock, and probably while the prisoner is in the dock as well. I have brought back amendment 57 in the absence of clarity from the Minister about how that would work in practice. I would welcome her further comments.

Amendment 58 would exclude some types of prisoner from being issued with a warrant to serve a sentence in a foreign country. It would exclude people with less than six months to serve, those serving indeterminate sentences for public protection, and those who need to be detained in the UK for education or training purposes, or for legal proceedings, such as parole. I accept what the Minister said about that in her speech.

In Committee, I raised the subject of the failure of the Bill and the accompanying notes to provide detail on exactly how the scheme to transfer prisoners abroad would work, who the partner countries would be, and where their responsibilities would lie. The Minister said that the amendment that I had tabled made “sensible” points, but that the Government

“believe that they are best addressed through policy, based on...expertise from within the prison system, not set out in primary legislation.”

She also told me that it was her “understanding” that no prisoners would be moved to countries not covered by the European convention on human rights, and I welcome what she has said about that today. Again referring to me, the Minister said:

“He...asked about the availability of legal advice...First of all, the whole landscape of court procedure has changed in the last few years. Receiving legal advice can be done remotely, and court proceedings often take place remotely via a live link.”—[*Official Report, Criminal Justice Public Bill Committee*, 18 January 2024; c. 280-281.]

That is supposed to mitigate the fact that someone is in a cell abroad.

[Alex Cunningham]

The Minister was also at pains to point out that 10% of prisoners were foreign nationals, so

“family and primary care considerations are already rather different”.—[*Official Report, Criminal Justice Public Bill Committee*, 18 January 2024; c. 282.]

Perhaps there is a clue there, suggesting that it is foreign offenders and not British nationals whom the Government really want to send overseas. The Minister has talked of only 600 prisoners being affected by this policy, and I welcome her assurance that no women will be affected. I know that the Government are negotiating with some countries about where the prisoners will go, but we do not have the fine detail that we need in order to understand whether the policy will be effective. The Minister herself acknowledged that

“there is not much detail in the Bill”,

but said that the Government were developing

“primary legislation to create the framework for the agreements.”—[*Official Report, Criminal Justice Public Bill Committee*, 18 January 2024; c. 287.]

She was referring, of course, to agreements that had not yet been made. However, policy changes all the time, so we need to nail down the provisions in the Bill and who will be included and excluded.

Amendments 59 to 62 amend clause 35, which relates to transferring prisoners to foreign prisons. Amendment 59 “would require the Controller to make a report to the Secretary of State on any breaches of the arrangement between the foreign country and the UK.”

Clause 28 of the original Bill provides for the Secretary of State to appoint a controller to keep under review and report on the running of any rented prison spaces abroad. It also extends the power of His Majesty’s chief inspector of prisons to inspect and report on the conditions in such places. The Bill, however, places a great deal of unaccountable authority in the hands of the Executive, who can make provision for any arrangement by means of secondary legislation. It is silent on how those subject to this arrangement will be treated. Similarly, it provides no guarantee that the prison rules in secondary legislation, which govern crucial issues including segregation, complaints and the use of force, would apply. I hope the Government share my view that any agreement made between the UK and a foreign state should be subject to full parliamentary scrutiny and oversight. Amendment 59 would help to enable that to happen by requiring the controller to report any breaches of the arrangement to the Secretary of State.

Amendment 60 would ensure that the prisons inspectorate “must” conduct the duties specified in proposed new subsection 5D in section 5A of the Prisons Act 1952, and would ensure its consistency with the legislative basis for its role in England and Wales. We fear that the oversight of both the controller and His Majesty’s inspectorate of prisons will ultimately be subject to negotiation with a relevant partner country. The wording in the Bill relating to the powers of the inspectorate differs from the wording in the Prisons Act, in that it states that the chief inspector “may”, rather than “shall”, inspect. The implication is that inspections could take place only by invitation of the foreign state, rather than as a statutory requirement. That leaves open to future negotiation crucial aspects of HMIP’s role and methodology, such as its ability to conduct unannounced inspections, to speak to prisoners

in private, and to access records such as those relating to the use of force, which would mean that a lower standard of independent scrutiny would be applied to the treatment and conditions of UK prisoners held under such arrangements. Amending the Bill to ensure that HMIP can perform its duties under the optional protocol to the convention against torture and other cruel, inhuman or degrading treatment or punishment is an important safeguard to ensure rigorous, independent scrutiny.

Amendment 61 would ensure that HMIP could inspect escort arrangements under which prisoners are transferred to foreign prisons. Clause 28 of the original Bill specifies that the chief inspector may inspect or arrange for the inspection of any prisons where prisoners are detained under an arrangement between the UK and a foreign state. The inspectorate’s powers to inspect escort arrangements were made by amendments to the Prisons Act in section 46 of the Immigration, Asylum and Nationality Act 2006. It is particularly important that the inspectorate should also be able to inspect the escort arrangements for the transfer of UK prisoners to foreign prisons. Our amendment would bring the legislation into line with the inspectorate’s powers in relation to prisons in England and Wales by also enabling it to inspect or arrange for the inspection of escort arrangements. A foreign state with which the UK makes an agreement could potentially be many thousands of miles from the UK. The transfer of prisoners could involve a lengthy journey including a variety of modes of transport such as, potentially, prison vans, planes, trains and ferries. The potential for trouble appears limitless.

2.15 pm

Amendment 62 is a probing amendment that seeks to clarify how the Government intend to apply their obligations under article 2 of the European convention on human rights on the right to life, under the Human Rights Act, by ensuring that the duties of the coroner also apply to any death involving a prisoner subject to a transfer agreement with a foreign country. It is our view that the nature of the arrangement to send individuals to overseas prisons will establish the UK’s jurisdiction over any deaths that occur. Given the unprecedented nature of these arrangements, it is crucial for the responsibility of coroners to investigate overseas deaths to be established clearly in advance. To do otherwise would invite significant uncertainty and likely legal challenges if any individual were to die while imprisoned overseas.

New clause 2 stands in the name of my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman). She cannot be with us today after a fall, and I am sure that everyone here will want to send her their best wishes for a speedy recovery. Her new clause addresses the parental responsibility of men convicted of sexual offences against children. Government new clause 103 falls short of that, in that the offenders captured by the clause will be restricted to those sentenced for the rape of a child. However, the new clauses address the same key issue: how can an individual be considered too dangerous to work with or be around other people’s children, yet be allowed to have responsibility for a child’s life so long as that child is their own?

I am glad to note that the Minister has taken away some of the concerns raised in Committee and that the Government have responded with new clause 103, which

goes some way in the right direction on the issue raised by my right hon. and learned Friend. However, I am not sure that the Minister has entirely accepted the explanations offered to her in this regard. As I have said, my right hon. and learned Friend cannot be here today, but I pay tribute on her behalf not just to the Ministers and the BBC's Sanchia Berg, but to the bravery and persistence of Bethan's family, who have fought to protect not only their own child but everyone else's.

I should be interested to hear the Minister's explanation for the restriction of the provisions to those who have been convicted of the rape of a child only. There was discussion in Committee about the breadth of the scope when the proposal was to include all sex offences in such a provision, but it seems to me that the Government have gone too far in the other direction, albeit while making a concession. Only including those convicted of the rape of a child constitutes a narrow scope, and as such will leave scope for men who have been convicted of other serious sex offences against children to be in control of important aspects of their children's lives. It prompts the question: why should any child be subject to any form of control by a convicted child sex offender who is unlikely to be part of that child's life for years ahead, and possibly forever?

New clause 7, which was tabled by the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith), and Government new clauses 94 and 95 and new schedule 4, would make it an offence to exercise control over another person's residence for the purpose of criminal activity by means of coercion, threats or abuse of a position of vulnerability. In Committee, I proposed a new clause that would make cuckooing a specific offence. I am pleased not only that the new clause has since been tabled by the right hon. Member Chingford and Woodford Green, but that the Government have subsequently seen sense and followed suit. As was made clear in Committee, substantial harm is caused by cuckooing, so I am keen to hear the Minister's thoughts on the issue. I do, however, remain supportive of new clauses 94 and 95 and new schedule 4, which together create the offence of exercising control over another person's dwelling for the purpose of enabling it to be used in connection with the commission of certain offences.

When I spoke to the new clause in Committee, I received support from the Police Superintendents Association, which said:

"There is clear need for legislation of this kind, with evidence showing that cuckooing is a widely used tactic in many serious offences, including those linked to serious and organised crime, such as county lines drug supply and human trafficking."

Cuckooing is a terrifying experience for the vulnerable adults who are targeted by these criminals, and I do not think that any of us can comprehend what it would mean to have our home taken over in such a way. I suspect that there is not a Member here who does not know a vulnerable adult in their constituency, or someone who lives alone, who could be targeted by such unscrupulous criminals. The police work with local authorities to deliver a safeguarding response for victims of cuckooing. For example, the Metropolitan Police Service has dedicated cuckooing officers who work with partners to safeguard victims and divert them from the criminal justice system. However, cuckooing is not defined in legislation and is not a specific offence, so today's Government amendments are very welcome.

My hon. Friend the Member for Swansea East (Carolyn Harris) raises the issue of profiteering from prostitution in new clause 8, as she did in Committee. She has explained that it would enact the recommendation of the cross-party Home Affairs Committee to make it a criminal offence to facilitate or profit from the prostitution of another person, online or offline. There are clearly gaps in provision if our laws mean it is illegal to pimp offline but not online.

I note that in the Minister's response to the Committee, she suggested that the new clause as drafted would also prevent individuals who lawfully sell sex from doing so online, where they feel safe, and as a result these individuals could be forced into additional danger by having to advertise on the street or underground in some way. I certainly recognise the Minister's concerns. Any provision must ensure that those whom it is intended to protect do not inadvertently come to additional harm. I am, however, sceptical that the measures in the Online Safety Act 2023, whereby online platforms for individual advertising are responsible and accountable for the content on their sites, will do as much as she claims to address these issues.

New clause 9, which stands in the name of the hon. Member for Bishop Auckland (Dehenna Davison), is intended to create a specific offence of one-punch manslaughter, with a minimum sentence of seven years. My hon. Friend the Member for Birmingham, Yardley (Jess Phillips) moved the same new clause in Committee, but it was not pushed to a vote. We commend the hon. Member for Bishop Auckland for her efforts on this issue and we understand that she is continuing her discussions with Ministers. We hope that progress is being made behind the scenes.

New clause 12, which deals with controlling or coercive behaviour by persons providing psychotherapy or counselling services, is an interesting clause in its own right, and there was a good discussion on its content in the other place, when the provisions were tabled as an amendment to what is now the Domestic Abuse Act 2021. The new clause aims to address the controlling and coercive behaviour effected by charlatan therapists that can have ruinous consequences for the lives of their clients. Clearly, any instance of such manipulation and abuse is deeply concerning, especially given the trusted role that psychotherapists and counsellors are put in by their clients, who often engage their services when they are in a particularly vulnerable place.

I will be interested to hear the Government's thoughts on the scale of the issue, and on what other measures could be implemented to address this problem. There was a suggestion in the debate on the Domestic Abuse Act that regulation and accreditation would be the appropriate response, although several Members pointed out that charlatans do not tend to go through the effort of accreditation. None the less, I am concerned by the reports of individuals, often young women, being harmed by such practices, and I am keen to hear from the Government how this could be addressed.

New clause 16 was tabled by my hon. Friend the Member for Merthyr Tydfil and Rhymney (Gerald Jones), who is in his place today and can speak to the tragic case in his constituency that it seeks to address. I want to reiterate what we said in Committee. The Road Traffic Act 1988 provides vital protections to all of us. It bars certain behaviours that we know are dangerous,

but there is a loophole whereby those sorts of behaviours can be exhibited on private property without sanction. It is reasonable to bring the laws on private property into alignment with the RTA 1988 in the interests of public safety.

In Committee, the Government seemed to be of a similar mind. However, this is one of the few areas where they have not proposed their own version today. We hope that the Minister will signal their intent to do so at a later stage or, if not, that they will accept my hon. Friend's version, which we support. In addition, my hon. Friend the Member for Bootle (Peter Dowd) has tabled new clauses 35 and 36, for which he made a strong case in Committee. I hope the Government have had the chance to reflect on his proposals and will respond to them positively.

New clauses 18 and 19, which stand in the name of my hon. Friend the Member for Nottingham North, would update section 1 of the Computer Misuse Act 1990, which prohibits unauthorised access to computers. Simply put, the current legislation inadvertently criminalises a large proportion of legitimate vulnerability, security and threat intelligence research by UK cyber-security professionals, who are committing a crime if they use legitimate techniques to check for vulnerabilities, to carry out research or to build defences. We are asking them to put themselves at risk in order to do something that is clearly a social good, so the new clauses seek to update the Act.

In the UK alone, there was a 77% increase in cyber-threats last year. We know that their impact on individuals' lives can be hugely consequential, but the legislation that provides the foundation to take on that sort of cyber-threat is more than 33 years old. Legislation has not kept pace with modern cyber-security defence techniques, so it is vital that we take the opportunity to act now and update the law accordingly. New clauses 18 and 19 would do that.

In a similar vein, new clause 38 seeks to update the statute book to ensure that the law keeps pace with change, this time in relation to liability for corporate offences. The new clause also stands in the name of my hon. Friend the Member for Nottingham North, and he pays tribute to my right hon. Friend the Member for Barking (Dame Margaret Hodge) for her continued campaigning on this matter. It would introduce individual liability so that senior executives can be held liable for criminal activities committed by a company or partnership on the basis of negligence. The offence would apply both to crimes committed by the company or partnership and to a failure to prevent those crimes from happening.

The UK has a serious accountability gap when it comes to senior executives. Despite a number of corporate scandals and failures, such as the miscarriage of justice at the Post Office and water companies illegally discharging sewage into our rivers, those at the helm of large companies that engage in such wrongdoing rarely face any consequences. That leads to poorer corporate governance standards and to a greater risk that the huge costs of corporate failure and misconduct will be borne by ordinary people. It is also unfair that directors in the small business sector face the vast brunt of prosecutorial and regulatory action.

Regulatory fines alone are not sufficient to drive behavioural change. If the senior executives at these companies are not held criminally liable, fines become a cost of doing business rather than a deterrent to bad

behaviour. We need to reform the law so that we can hold senior executives criminally liable for deliberately turning a blind eye or creating a culture of misconduct. That would lower the risk of further corporate failures. New clause 38 would make that change.

New clause 25 on the offence of possession of guidance on creating child sexual abuse content and new clause 26 on the offence of simulating sexual communication with a child were tabled by the right hon. Member for Chelmsford (Vicky Ford). New clause 25 would expand the existing offence of possessing guides about abusing children sexually to include guides on creating child sexual abuse content, including through the use of artificial intelligence or machine learning. New clause 26 would create an offence of using, creating or sharing online or digital tools that simulate sexual communication with a child.

We know that the increased online presence of children and the latest technological developments create new opportunities for abuse. Ofcom agrees that the sexual exploitation and abuse of children online is a persistent and growing threat, with devastating consequences for those affected. New risks are emerging as the way we interact online continues to evolve, including through extended reality, end-to-end encryption and generative AI. In a BBC report, makers of child sexual abuse images were found to be using AI software called Stable Diffusion. This software is intended to generate images for use in art or graphic design, but the BBC has found that it is being used to create lifelike images of child sexual abuse, including the rape of babies and toddlers. Under article 34 of the United Nations convention on the rights of the child, states parties have an obligation "to protect the child from all forms of sexual exploitation and sexual abuse."

The criminalisation of online sexual exploitation and abuse forms part of a states party's obligation to protect children under article 34 of the CRC. The UN committee on the rights of the child affirmed this in general comment No. 25 (2021) by calling on states parties to put

"appropriate legislation...in place to protect children from the crimes that occur in the digital environment...and to allocate sufficient resources to ensure that crimes in the digital environment are investigated and prosecuted."

That includes online child sexual exploitation and abuse offences.

2.30 pm

Under international standards, legislation concerning child sexual abuse material should be introduced or amended to incorporate technology-specific terminology and to specifically capture child sexual abuse material available online. This child sexual abuse material includes live performances and, arguably, computer-generated images that have

"been created with the purpose of conveying the impression that they depict children."

In its recent report, "How AI is being abused to create child sexual abuse imagery," the Internet Watch Foundation recommends

"the Ministry of Justice to commission a review of the laws that apply to the removal of this content online to ensure they are fit for purpose to tackle the threat of AI CSAM. This includes ensuring the exchange of 'hints and tips' and 'paedophile manuals' on how to generate this content are made illegal."

In oral evidence to the House of Lords Communications and Digital Committee, Ian Hogarth, chair of the UK's AI foundation model taskforce, spoke of

"how some of the open-source image generation models have now been fine-tuned by malicious actors to generate child sexual abuse material. These systems are being used for really some of the most heinous things out there."

Criminals are finding new ways to harm children. As technology moves forward, it is right that the legislation aimed at protecting children from online harm must move with it.

New clause 28 would clarify the definition of joint enterprise, or secondary liability, so that an individual must make a significant contribution to an offence committed by another to be criminally liable. There has been considerable discussion in the House recently on reforming joint enterprise, including as a result of the tireless campaigning of my hon. Friend the Member for Liverpool, Riverside (Kim Johnson), who has been advancing a private Member's Bill on this issue. It seems that the consensus from the House's many discussions is that reform is clearly needed. There is no doubt of the injustices that have arisen from the application of joint enterprise law.

As my hon. Friend the Member for Lewisham East (Janet Daby) said in her speech on the Joint Enterprise (Significant Contribution) Bill, which I have just mentioned, joint enterprise is an important tool in our criminal justice system that has helped to secure convictions that otherwise would not have been successful, including of some of the men who killed Stephen Lawrence. It has also been successfully used to prosecute paedophile rings and those who commit economic crime, but the doctrine is certainly in need of reform. Labour has previously stated that it would look to reform joint enterprise, and that remains our ambition.

However, the Crown Prosecution Service has ongoing work to collect data on joint enterprise prosecutions. The initial tranche of data revealed matters of huge concern. Black people make up only 4% of the UK population but, according to the CPS, black defendants make up 30% of the joint enterprise case load. It was also revealed that joint enterprise prosecutions disproportionately affect young people and children.

The data collection has now been expanded into all CPS areas and, to ensure that any reform has the best chance of addressing the ongoing issues with the application of the doctrine, it is essential that it is based on a strong evidence base. Once a stronger evidence base has been built up through the CPS's data collection, we will be better placed to know how to reform the law to tackle the issues about which there is such serious cross-party concern.

This amendment is reasonable and commendable but, when we take action to reform, it is important that we do it right first time. Only a fuller picture provided by robust evidence can ensure we do that.

New clause 29, in the name of my hon. Friend the Member for Swansea East, seeks to align the definition of "human trafficking" in UK law with the UN definition. My hon. Friend the Member for Birmingham, Yardley made the case well for this new clause in Committee, where she highlighted the lack of convictions under the current framework. I hope the Minister can set out what the Government intend to do to rectify this.

New clause 32, in the name of the hon. Member for Carshalton and Wallington (Elliot Colburn), would include offences motivated by hostility towards an individual's disability status, sexual orientation or transgender identity, or perception thereof, in the aggravated offences under the Crime and Disorder Act 1998. We support the amendment all the more because it is identical to the new clause that I tabled in Committee, and it is Labour party policy.

The amendment would address the disparity between existing characteristics and current hate crime legislation. It would create parity of maximum possible penalties for all five characteristics defined under the sentencing code. Under current hate crime legislation, hate crimes based on race and/or religion can have higher maximum penalties than their base equivalents, whereas hate crimes based on sexual orientation, transgender identity and/or disability cannot. This creates a two-tier system of justice. The Law Commission's recommendation that offences motivated by hostility towards an individual's disability status, sexual orientation or transgender identity should be encompassed within the aggravated offences under the Crime and Disorder Act.

New clause 32 comes in the context of soaring levels of hate crime reporting. Over 145,000 cases were reported in 2022-23. Across all monitored strands of hate crime, the number of offences has soared since 2011-12. Racially motivated hate crime rose by over 200% in the period, topping 100,000 instances for the first time in 2021-22. Meanwhile, hate crime motivated by religion increased by a massive 433%. Hate crime motivated by sexual orientation has increased by 493%, and hate crime motivated by transgender identity has increased by 1,263%. Violent crime or crimes against the person rose as a proportion of hate crime offences from 29% in 2012-13 to 41% in 2022-23. The number of violent hate crimes has risen sixfold, from 12,739 to 63,895 in 2022.

LGBT+ people and people with a disability should be able to live their life free from fear, abuse or violence. Labour has committed to taking back our streets and to being tough on hate crime. We will do so by strengthening and equalising the law so that every category of hate crime is treated as an aggravated offence, to ensure that everyone who falls victim to a hate crime is treated equally under the law. I hope that the Government will support new clause 32.

The Minister said in Committee that, later this year, the Government intend to publish a full response that will address each recommendation of the Law Commission's report, and that it would be premature to make decisions before the formal Government response is published. However, I urge the hon. Member for Carshalton and Wallington to stick with his new clause and to press it to a vote if it is not accepted by the Government.

It is always a pleasure to speak to the amendments of my hon. Friend the Member for Birmingham, Yardley. Her tireless mission to stand up for victims in all forms is respected across this House, and I think she is still due a huge number of answers from the Minister relating to her amendments, which have been retabled.

New clause 44 would amend sections 52 and 53 of the Sexual Offences Act to replace "prostitution" with "sexual exploitation". The reason for doing so ultimately lies with shifting perceptions. Adult sexual exploitation is a form of sexual abuse that is poorly understood and rarely recognised across many sectors. Victims of adult

sexual exploitation are falsely identified as consensually engaging in sex work, and the labelling of that abuse as “prostitution” in law serves only to perpetuate it. This mislabelling has led to countless people across the UK falling through the gaps and not receiving necessary support, as their experiences are not recognised.

New clauses 45 and 46 would address the gap in law that can lead to the unjust stigmatisation and criminalisation of victims of sexual exploitation. They would do so by decriminalising conduct falling within section 1(1) of the Street Offences Act 1959—street prostitution offences—and by establishing a mechanism to expunge criminal records for street prostitution offences. I look forward to the Minister’s response.

New clause 47 would make an aggravating factor of grooming in certain adult cases, including around domestic and sexual abuse. My hon. Friend the Member for Birmingham, Yardley moved her new clause in Committee and spoke of how little understood the grooming of adults is, despite there being considerable overlap of perpetrators—and of perpetrator behaviours and tactics—with those seen in cases of child sexual grooming. Grooming is a deliberate process of limiting the freedoms of a person by gaining control over them and creating a dependency. It is widespread and prevalent in every part of the UK, but it is under-represented in UK legislation. It seems sensible to seek to put adult grooming victims on the same footing as children. I do not feel that the Under-Secretary of State for the Home Department, the hon. Member for Newbury addressed this point adequately in Committee, which is why it is important to invite further comment today.

New clause 48 would classify strangulation as an aggravating factor in sentencing murders. It follows new laws on non-fatal strangulation that were introduced under the Domestic Abuse Act 2021. In Committee, my hon. Friend highlighted that the common understanding of the role of strangulation in domestic abuse is changing; it is now understood as a form of coercive control and an accurate red-flag predictor of homicide. It is clear that there is a need for review in this area and for us to look holistically at sentencing, rather than attempting to amend the criminal justice system based on piecemeal changes.

On new clauses 49 and 50, the charity Centre for Women’s Justice says that the Bill does not address the gaps in law and practice that can lead to the unjust criminalisation of victims of domestic abuse and other forms of violence against women and girls and exploitation. New clause 49 would amend the law on self-defence and is modelled on the provisions for householders in section 76 of the Criminal Justice and Immigration Act 2008. It would allow survivors acting in self-defence against their abuser the same protection as householders defending themselves against an intruder—in other words, this is the self-defence proposal.

New clause 50 and schedule 1 would introduce a statutory defence for survivors modelled on section 45 of the Modern Slavery Act 2015. It would give survivors of domestic abuse similar protection to that given to victims of trafficking who are compelled to offend—this is under the section 45 proposal. Research by CWJ and others has made it clear that law reform is needed to address the difficulties faced by victims of domestic abuse in establishing reasonableness and proportionality when accused of using force in these circumstances.

Again, I would welcome the Minister’s comments on my hon. Friend’s proposals, which seek to improve the law for victims.

New clause 55 deals with the offence of child criminal exploitation. There have been numerous calls to do more legislatively to address that, including by creating a statutory definition, over the course of this Parliament. I recall my hon. Friend the Member for Rotherham (Sarah Champion) speaking powerfully on these issues in the Committee on the Bill that became the Police, Crime, Sentencing and Courts Act 2022. Opposition Members have been pursuing the issue again through the Victims and Prisoners Bill.

Clearly, reform is needed to tackle the appalling scale of child criminal exploitation. Research carried out by the Children’s Commissioner found that 27,000 children who were at high risk of gang exploitation had not been identified by services and consequently were missing out on vital support to keep them safe. The research found an even higher number of children who were experiencing broader risk factors linked to exploitation, with one in 15 teenagers falling through the gaps in education and social care. Thousands of children are being criminally exploited, and that demands more of a response from the Government.

Well-reasoned amendments have been made to a number of Government Bills in recent years, as I have just outlined. As new clause 55, which stands in the name of the hon. Member for Mole Valley (Sir Paul Beresford) demonstrates, they are coming from across the House. So what will it take for the Government to engage constructively with Members who are deeply concerned about this issue and the dangers facing our young constituents? The Government should engage more constructively.

New clause 57 is an interesting provision. Given the increase in e-bikes and cycling in general, we recognise the need for some change in this area of law. That said, we are keen to understand exactly how the provisions in the new clause would work, the impact they would have and the number of potential cases likely to be created. We are not sure that the new clause is fit for purpose, so we will also be interested to hear from the Minister. However, we are satisfied that this is an area in which we would wish to legislate after the general election, if we are successful.

I come to the serious issues raised in new clause 59 by my hon. Friend the Member for Nottingham North (Alex Norris) in relation to knife crime, which destroys lives, devastates families and creates fear and trauma in communities. Many of us will have constituents who have been deeply impacted by knife crime. Sadly, the situation is getting worse, not better. The latest statistics show knife crime up again in the past year; it is now 80% higher than it was in 2015. The Opposition have always been clear that we will work with the Government on this matter so that we can take dangerous weapons off the streets and save lives.

2.45 pm

In that spirit, my hon. Friend tabled his new clause 59, proposing a ban on ninja swords. Many will be shocked that such weapons are not banned already. In the wrong hands, they can cause significant harm and they should be taken off the streets without delay. New clause 59 would introduce such a ban.

Of course, there is a wider point about the ease with which such weapons are bought and sold, mostly online, and then end up in the hands of young people. New clause 60 and amendment 69, also standing in my hon. Friend's name, seek to address that point. The prevalence of banned weapons found on online marketplaces is shocking and must be tackled, yet there seems to be no accountability. We need tougher criminal sanctions on the senior tech executives who allow such knife sales on their online marketplaces. New clause 60 would introduce such sanctions.

More widely, we need a complete end-to-end review of online knife sales, from the point of purchase through to delivery, particularly to strengthen ID checks, and checks conducted by Royal Mail and Border Force on UK-bound parcels. Unfortunately, we are seeing too many gaps and loopholes in efforts to tackle knife crime. We need to identify and deal with them before they are exploited further. Amendment 69 will place a duty on the Secretary of State to conduct such a review and begin that process.

Taken together, new clauses 59 and 60 and amendment 69 form part of Labour's plan to tackle the scourge of knife crime on the streets. As I have said, the Opposition will work with the Government on the issue. Young lives depend on it. I hope we can make progress on this soon.

New clauses 91 and 92, in the name of the hon. Member for Westmorland and Lonsdale (Tim Farron), create an offence of failing to meet pollution performance commitment levels for water quality and address individual senior manager responsibility—I spoke of that earlier. It is Labour policy to bring forward legislation to strengthen the law in this area. We would put the water companies under special measures; strengthen regulation so that lawbreaking water bosses face criminal charges; and give the regulator new powers to block the payment of bonuses until water bosses have cleaned up their filth. We would also end self-monitoring; force all companies to monitor every single water outlet, so that companies can no longer cover up illegal sewage dumping; and introduce severe and automatic fines, which no water bosses can ignore, for illegal sewage discharges. We feel that these new clauses are too narrow, but we will legislate in government.

In conclusion, I wish to pose a few questions to the Minister. What impact will the provisions in the Bill have on the criminal justice system and, in particular, our crisis-hit Prison Service? As I said at the outset, many of the Government's own new clauses and amendments did not arrive until a few days before today's Report stage. What impact assessment has been carried out and when can we expect to see it? May I remind the Government that we are still waiting on the economic impact assessment for the Police, Crime, Sentencing and Courts Act, which received Royal Assent two years ago?

Finally, let me again address the prisons crisis. Some of the proposed sentences in the Bill are numbered in months. How does that sit with the Government's position on the presumption against short sentences and their current policy of giving a host of prisoners up to 70 days off their sentences so they can make way for new ones? Clearly, Ministers have a balancing act to perform, but despite the merits of some of the clauses in the Bill, they are creating more problems without solutions further down the system. However, we look

forward to the Bill progressing and to day two of our proceedings, assuming, of course, that that will actually come before the general election.

Several hon. Members rose—

Mr Deputy Speaker (Sir Roger Gale): Before we proceed, I would like to make a couple of observations. These are very serious and sensitive issues that deserve, and are clearly going to get, proper debate. In his closing remarks, the hon. Member for Stockton North (Alex Cunningham) indicated that there are two days for this debate. Earlier, an hon. Member intervened on the Minister to raise a subject that she had not commented upon. There was a good reason for that: it is listed not on the order paper for today but on the order paper for the second day. I ask hon. Members to make quite sure that, when they are discussing these issues, they are discussing those listed on the order paper for today, in the understanding that there will be a second day.

There are 18 hon. Members wishing to speak. I may have missed one, so there may be more. At the moment, we have plenty of time but may I gently urge conciseness rather than self-indulgence? That relates particularly to interventions, which should be interventions and not speeches.

I call the Chair of the Women and Equalities Committee.

Caroline Nokes: I rise to speak to amendment 160, tabled in my name and supported by members of the Women and Equalities Committee, and other colleagues across the House. I will endeavour to be as brief as I can and I reassure everybody that the amendment is on the order paper for today.

I thank my hon. Friend the Minister for her comments on deepfakes. There has been a problem: someone like Taylor Swift can get a deepfake made using their image taken down very quickly, but for ordinary women, or indeed men, from across the UK, who are not famous and do not have a platform, it is very difficult to get deepfake imagery removed. I welcome the steps the Government are taking on that.

I thank the shadow Minister, the hon. Member for Stockton North (Alex Cunningham), for his comments about the amendment. I was not aware that the Opposition were planning to support it, so I thank him for that. I urge my hon. Friend the Minister to pay close attention to what I and other members of my Select Committee will say about the amendment. I recognise that the amendment comes at the eleventh hour, on Report, for which I apologise to my hon. Friend. The reason for that is specifically because of the evidence the Committee heard last week, both in private and in public, from victims of revenge porn.

I welcome the changes that have been brought in under the Online Safety Act to support victims of non-consensual intimate image abuse. However, from the evidence we heard, it is clear that the legislation, in its current form, does not go far enough. It does not give Ofcom the teeth it needs to effectively tackle the fast-spreading, uncontrollable virus that is non-consensual intimate image abuse. It does not force platforms to remove harmful content in its entirety, or require internet service providers to block access to it. In short, it does not make the content itself illegal. The sharing of it is illegal but, even if there is a criminal conviction, the content itself is not regarded as illegal content.

[*Caroline Nokes*]

Last week, the Women and Equalities Committee heard from a number of survivors of non-consensual intimate image abuse. In sharing their experiences with us, they have spoken of the catastrophic damage the abuse has had on their lives, confidence and relationships. They told us of their fear of applying for jobs, meeting new people or daring to have any social media presence at all. With all their cases, there was a common theme: even though they had secured a conviction against their perpetrator, their non-consensual content continues to circulate on the internet. Despite relentless work by organisations, such as the Revenge Porn Helpline, to report the content and get it taken down, there is no legal obligation for platforms to remove it.

Dame Maria Miller: I thank my right hon. Friend the Chair of the Select Committee for making an excellent point, which supports the point I made earlier. If the Bill had a consent-based creation offence in it, that would outlaw the images that the people she is talking about find so difficult to get off the internet. Surely the Bill provides the opportunity to introduce a consent-based creation offence, rather than the current proposal that potentially provides lots of loopholes, particularly to online apps, to use intention to try to evade the long arm of the law.

Caroline Nokes: My right hon. Friend's point is exactly right that the issue is consent. In my view, when images are non-consensual, they should be regarded in the same way as if the individual had been digitally raped.

There are also many thousands of cases where a conviction has not been achieved or even sought, where the victim just wants the content taken down or blocked. They too are being denied that peace of mind due to gaps in the current legislative framework. The amendment calls for non-consensual intimate photographs or film to be added to the list of "priority offences" in the Online Safety Act, thus making it "priority illegal content". The amendment would ensure that non-consensual content, regardless of whether or not a conviction had been achieved, would be, by its non-consensual intimate nature, illegal. It would place duties on platforms to remove it, and require internet service providers to block access to non-compliant sites and platforms, including those hosted outside the UK.

That is precisely the way in which child sexual abuse material is handled. Children cannot provide consent and the adults in these images have not provided their consent for them to be taken, shared or both, so why should the content be treated so differently? Indeed, when the hon. Member for East Renfrewshire (Kirsten Oswald) put it to my hon. Friend the Minister during her recent appearance before my Committee, that adult content should be handled in the same way as child sexual abuse material, via a registry to identify, classify and therefore allow for the removal of non-consensual intimate images, the Minister said it would be "a very good idea". In order to do that, we need to make the content illegal.

It is important to note that intimate imagery does not just refer to photos and videos that are sexually explicit. Indeed, as we heard from David Wright, chief executive of South West Grid for Learning, which runs the Revenge Porn Helpline, within certain countries and cultures,

being photographed with an arm around somebody or being filmed without a hijab can have catastrophic implications for a woman. That is why it is so important that any legislative change uses the term "intimate", not "sexual", when referring to non-consensual content.

Last week, we heard evidence from Georgia Harrison, who famously was the victim of revenge porn perpetrated by her then partner, Stephen Bear, who later received a criminal conviction for his actions and was sent to prison. Georgia made the point repeatedly that what happened was like "a house fire", because when the images went up they spread very quickly. The solution was to get them taken down as quickly as possible so that they would not proliferate. The Committee described it as being like a virus that spreads out of control. The issue is not just about Georgia Harrison or famous women who have a platform they can use to ensure their voice is heard.

We also heard from an anonymous victim of Operation Makedom. In that case, the perpetrator had many thousands of victims. He received a 32-year prison sentence, but that young woman is too afraid to have any sort of social media presence because she is terrified that her image will be seen and put through reverse image searches so she will be identified as a victim. Thousands and thousands of the Operation Makedom images still proliferate online and nothing can be done about that because the content itself is not illegal. It remains online and accessible for people in the UK, despite that 32-year prison sentence. That cannot be right. We will be letting down the victims of that abuse, and all other cases of non-consensual intimate image abuse, if we fail to act.

My final point to the Minister is that we also heard about the Criminal Injuries Compensation Authority and the fact that intimate image abuse is not on its list as a violent crime. When someone applies to the authority, expecting or hoping for some small nugget of compensation—a message in effect that they are a victim, they can put the blame and shame to one side, and they have been a victim of a criminal act—that is not even there for them. I have no doubt that is because the list of violent criminal offences was dreamt up many moons ago and intimate image abuse simply has not been added to it. It should be added to the list. As I said earlier, for a woman, or indeed a man, who has had their intimate images put online, circulated freely and proliferated all over the place, that is like digital rape. It is a rape that continues day after day, to be brutally honest, with no end in sight.

Those are the reasons why my Committee has tabled this amendment and why we urge Members to support it and give it serious consideration. I hope that my hon. Friend the Minister will be able to make some comments from the Dispatch Box that might indicate how the MOJ can incorporate such provisions into existing law. If the message coming back to me is that the content is already illegal, I must say that it is not. We must find better ways of getting it down from online platforms.

Mr Deputy Speaker (Sir Roger Gale): I call the Liberal Democrat spokesman.

3 pm

Tim Farron (Westmorland and Lonsdale) (LD): It is a pleasure to serve under your guidance this afternoon, Mr Deputy Speaker. I also will seek to be brief and will principally speak to the two amendments in my name.

Let me first say that I fully support new clause 86, endorsed by the right hon. Member for Romsey and Southampton North (Caroline Nokes). Likewise, I pay tribute to the hon. Member for Bishop Auckland (Dehenna Davison), and support her new clause 9 on one-punch manslaughter. Again, sticking with those on the Conservative Benches, I support amendments 32 to 41 from the hon. Member for Gloucester (Richard Graham), covering the issue of spiking, which is an incredibly serious offence. There are many on the Opposition Benches to whom I could also refer, but I will not do so because of time. I support new clause 35 in the name of the hon. Member for Bootle (Peter Dowd), which covers the offence of failing to stop at a traffic accident and seeks to close a loophole to ensure that justice is done.

Let me now focus on new clauses 91 and 92 in my name. New clause 91 creates the criminal offence of failing to meet pollution performance commitments, and new clause 92 would make senior managers criminally liable for such an offence. If there were any doubts at all that these new clauses were needed, they should have been dispelled by a quick look at the news earlier today. We have revealed—this was discovered by some of us only yesterday—that, earlier this year, 10 million litres of raw sewage was dumped into England's largest and most popular lake, Windermere, at the heart of my constituency and our communities in Westmoreland. This incident happened for 10 hours. United Utilities did not alert the Environment Agency for 13 hours.

The outrageous scale of this incident brings into question the extent to which the current framework is adequate. This is a personal issue to us. This is a lake at the centre of the Lake district's hospitality and tourism economy, which brings in 20 million visitors every year—the biggest number of visitors to any part of the United Kingdom outside London. We are proud of that. It is an industry that employs 60,000 people, worth £3.5 billion to the local economy and contributing hugely to the national economy. The fact that this is permitted at the heart of the jewel in the crown of our tourism economy in this country is an utter outrage. The ecological side of it is even more utterly, utterly appalling.

The revelations of the past day or so have proven that the regulatory framework is utterly and totally broken, so the call for these new clauses for and the creation of criminal liability in this case is absolutely 100% justified. The offence that I have just spoken about is the tip of the iceberg. I shall talk principally about my own water company in the north-west of England, United Utilities. That company spilled sewage 97,000 times for almost 700,000 hours. There are two sites on the river Kent at Kendal; one spilled sewage on 42 occasions, and the other on 69 occasions. The River Eea at Cark on the Cartmel peninsula, near Grange-over-Sands, saw the most egregious example in the whole of the north-west of England: sewage was spilled 281 times for 6,471 hours last year. The River Eden at Kirkby Stephen saw 172 spills for 3,225 hours. At beautiful Coniston water, which has just celebrated being given bathing water status at four sites only the other day—I pay tribute to local councillor Suzanne Pender and the local parish councils for achieving that really important classification—there were 178 sewage spills in 2023 on 141 days.

Across all the water companies in England, there were 464,000 separate spills in 2023. That was a 54% increase on 2022. The water companies and, indeed, Ministers

themselves said that that was because it rained more last year—not 54% more it didn't. These spills are unjustifiable. We are left in a situation where only 14% of England's rivers are at an ecologically good standard. Of all of the rivers in England, not one—a fat zero per cent—are of a good chemical standard.

My new clauses, which create a criminal offence, are necessary, because the regulatory framework is failing. Regulators have repeatedly let the water companies off the hook, and the data that they have to work on is incomplete. Ministers will say, and rightly, that until relatively recently there was not a lot of data available, and that monitoring did not happen. But who does the monitoring? The water companies do the monitoring; they mark their own homework. The Environment Agency, which is underfunded and the victim of many cuts over many years by this Government, is obliged to come out and inspect at a spill site only if the water company invites it to do so. How ridiculous and how weak is that?

Ofwat's attempts to tackle egregious acts by the water companies are inadequate. They are too little and too late. For instance, Ofwat has dragged its feet to get around to merely consulting on plans to ban bonuses—perhaps sometime next year—with only the outside possibility that this could come into force. A process that River Action, an excellent campaign organisation, rightly described as far too slow.

Again, Ofwat has taken until now to consider fines of up to 10% of water companies' turnover for the worst forms of poor customer service. Why so long? Why only now? The Office for Environmental Protection found that the Government were set to miss their 2027 targets to improve the state of England's rivers, lakes and coastal areas by a "significant margin".

In the Liberal Democrat policy paper, "Are you drinking what we are drinking?", we propose a new regulator, with new powers to issue fines to top executives and to initiate proceedings. Given that we are where we are, I simply ask the House to consider new clauses 91 and 92 as a crucial way of being able to tackle the most egregious acts of sewage dumping in our lakes, rivers and coastal waterways.

For those of us in and around the English Lake district, this matter is personal. It is offensive to us. We consider ourselves—if it is not too grand to say this—as custodians of England's Lake district. We are protecting the area not for us, but for the whole country, the world, the generations who come after us, and the people who will make use of Lake Windermere and the ecology that it supports at the heart of the stunning beauty of the Lake district, which is after all a world heritage site.

We are determined to tackle this problem. I pay tribute to all of those who campaign on this issue, including Matt Staniek and all those involved in the Save Windermere campaign, and others who are determined to make a difference. Citizen science projects going on in the Rivers Kent and Eden are equally important. They are more low-key, but are absolutely vital to trying to get to the heart of the problem. However, all the data in the world will not solve this problem if we do not have the laws to prevent what is happening and to hold people to account.

[Tim Farron]

The regulatory framework has failed Windermere, the Lake district, Westmorland, Cumbria and the whole of our country. Now is the time to criminalise those who callously disregard the regulations and pollute our waterways.

Greg Clark: I am grateful to the Government for signing new clause 62 which I and my hon. Friend the Member for Chatham and Aylesford (Dame Tracey Crouch) first tabled. We are both grateful to our hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe) who moved a similar amendment in Committee.

This is distressing subject matter for an amendment to a Bill, and we regret having to bring it to the attention of the House. It relates to a criminal trial in 2021, when David Fuller, as the Minister mentioned, was convicted of the murder of two young women in Tunbridge Wells—Wendy Knell and Caroline Pierce—in the 1980s. That recent conviction followed a forensic lead that eventually led to his identification. In the course of the police's gathering of evidence for his murder conviction, for which he received a whole-life tariff, video recordings that Fuller made of himself were found. For context, Fuller was an electrician whose employment by the Maidstone and Tunbridge Wells NHS Trust gave him access to hospital mortuaries, in which he filmed himself sexually assaulting the dead bodies of women and girls. There were over 100 female victims of such abuse in the film discovered in his possession. They ranged in age from nine to 100.

Some of Fuller's convictions were for the offence of sexually penetrating dead bodies, which under the current law carries a maximum sentence of only two years in prison. As I say, it so happens that he received a whole-life tariff for two particularly abhorrent murders for which he was convicted, but had that not been the case, the maximum sentence available would have been two years for each offence. The evidence gathered by the police showed that Fuller also seriously sexually assaulted victims in non-penetrative ways. I will not go into detail, but I can tell the House that those crimes were extensive and grave.

Given that 100 victims were identifiable, more than 33 Members of this House, spreading right across the country, have in their constituencies the families of victims who are known to the police and to the NHS trust. All Fuller's crimes are frankly unspeakable, but as well as the current sentencing limit being absurdly inadequate to deal with, in effect, the rape of dead bodies, the law does not cover any form of sexual assault that is non-penetrative. In her opening speech, the Minister referred to its being unusual for the House to consider an area of criminal law that simply has not been addressed before. There is clearly a gap that I hope all Members will agree needs to be closed. That is what we aim to do with the new clause.

Dame Tracey Crouch: This is one of the most harrowing pieces of casework that I have been involved in during my 14 years in this House. My right hon. Friend will remember that the gap, as he has just referred to it, was identified to us by one of the police officers who was involved in the horrific task of going through the evidence,

and who said that the case shook him to the core, as I am sure it would many people. Will my right hon. Friend join me in paying tribute to the police officers, and of course the civilians who support them in going through the evidence at a forensic level, which I am sure many of us could not compute, and certainly could not comprehend?

Greg Clark: I completely share my hon. Friend's desire to pay tribute to the police officer who brought this gap in the law to our attention, to all his colleagues who had the painful duty of viewing the images, and more generally to the family liaison officers who had to support the 100 families of the victims, and indeed the staff of the Maidstone and Tunbridge Wells NHS Trust, who—knowing, in many cases, this individual—were devastated to discover what had gone on, completely unknown to them.

The new clause will make an important change to the law. It will increase the maximum sentence for the sexual penetration of a dead body from two years to seven years, and create a new offence of sexual activity with a corpse, which will carry a maximum sentence of five years to cover non-penetrative offences. Victims of Fuller were robbed of their lives and then their dignity, and the victims' families have been robbed of adequate justice. The devastation of the families of Fuller's victims has been heartbreaking, as my hon. Friend and other colleagues will know. They suffered the deaths of their daughters, sisters, nieces, aunts, wives, mothers and grandmothers. Then, having laid them to rest and grieved for their lost lives, hundreds received a knock on the door one night from the police, who had to tell them that the body of a person who was so precious to them had been desecrated in the most sickening ways by this vile individual, in a place—a hospital mortuary—that they thought was sacrosanct, safe and protected.

3.15 pm

Many will never get over the shock and disgust that they felt when that news was imparted to them that evening; it stays with them, even now. Nor, as my hon. Friend says, will the police officers get over having to view every second of hundreds of hours of video showing the most depraved images that they have ever been confronted with. As my hon. Friend said, one of the officers was in touch with us, and called on us to close this gap in the law. He, his colleagues, and the families of the victims will never have restored to them the peace of mind that Fuller destroyed. The families' memories of their loved ones will be forever tainted by association with the thought of what Fuller did to them. Sadly, we cannot correct that in this House, but we can ensure that the gravity of these offences is recognised. I am grateful to the Minister for supporting our new clause, and giving it the Government's backing.

Peter Dowd (Bootle) (Lab): It is a pleasure to see you in the Chair, Mr Deputy Speaker. I thank the right hon. Member for Tunbridge Wells (Greg Clark) for speaking on the issue. For those of us who were on the Bill Committee—many of us are present today—it was in many cases quite distressing to hear of the experiences that so many people had had over the years. It is a tribute to Members present, including those who were on the Committee, that they are here to listen to those experiences.

My new clauses 35 and 36 relate to traffic collisions. New clause 35 is intended to require drivers who are involved in a collision with a pedestrian, cyclist or motorcyclist to remain at the scene of the collision and report it to the police, or face the consequences of their decision not to. New clause 36 would reduce the amount of time that the driver involved has to report the collision from 24 hours to two hours. Technology has moved on. The provision for 24 hours is an old element of the Road Traffic Act 1988. Everybody has the capacity to report things very quickly.

I thank hon. Members who put their names to my new clauses. As I said, I sat on the Bill Committee for several weeks. We went through it line by line, and as I indicated, we listened to harrowing and distressing accounts of the experiences of victims—victims who literally went from the cradle to the grave. We have heard that again today. Colleagues who spoke in Committee will no doubt bring those accounts to the attention of a wider audience of hon. Members today. We have just heard one such example. Those accounts are worth listening to.

For my part, I bring to the attention of colleagues my reasons for tabling my two new clauses; the groups that have supported me in doing so include RoadPeace, Cycling UK and Action Vision Zero. There was a Westminster Hall debate on 15 November 2021 about two petitions that had gathered more than 100,000 and 165,000 names respectively, calling for tougher sentences for, as they are colloquially known, hit-and-run drivers who cause death, and for the offence of causing death by dangerous driving to be widened to include a failure to stop, call 999 and render aid on scene until further help arrives. The Department for Transport said in response to the petitions:

“The Government takes this issue seriously. The Department for Transport is looking into the issue of such incidents of failure to stop resulting in death or serious injury, and exploring whether there are further options that can be pursued.”

That was well over two years ago. What have the Government done in response? What has the Department for Transport done? It appears to me to be not a great deal.

I raised the issue of leaving the scene of a collision in the Bill Committee earlier this year. I did not push my new clauses to a vote then, because I understood that either the Ministry of Justice or the Department for Transport were working on the matter, and could be liaising on it, especially as the Department for Transport had already recognised that some assessment of the situation must be undertaken, and had ostensibly committed to doing that. Lord Paddick in the other place withdrew an amendment on 8 November 2021 to the Police, Crime, Sentencing and Courts Bill that would have amended the Road Traffic Act 1988 because Baroness Williams of Trafford said that her ministerial

colleagues at the Department for Transport understood the concerns raised and were

“exploring options...including...the available penalties and how the offence operates as part of long-term and wider work on road safety.”—[*Official Report, House of Lords*, 11 November 2021; Vol. 815, c. 1557.]

I wrote to the Minister earlier this year to say that I was not tied to the letter of my new clauses and the penalties therein, but I do not appear to have received a response, which is regrettable. If I did receive a response,

I apologise, but I do not believe that I did. I assume there was some liaison between Departments on the matter. In Committee, I set out in a bit more detail why I was pursuing this issue. I go back to the point about how long it has been since the Government have moved on their position. It is 10 years since they said that they would undertake a full review of traffic offences. Regrettably, that has not happened, yet there seems to be an irrefutable case for it. What will it take for the Government to look at these issues affecting our constituents?

I offer hon. Members a few stats, to put this matter into context. Every 16 minutes, someone is killed or seriously injured on the road in the United Kingdom. That is a stark figure. If we average that out, it means that over 10 years, 31,000 men, women and children have been killed or seriously injured in collisions, and there have been a total of 130,000 casualties right across the piece, although I accept that the number includes very minor collisions. In a year, 1,766 people were killed—1,711 in Britain and 55 in Northern Ireland—and 28,941 were seriously injured. Road deaths have increased to pre-pandemic levels, and serious injuries are up 8%. I stand to be corrected on these figures, but that is an average of 85 people killed or seriously injured every year in each of our constituencies.

Meanwhile, many drivers simply leave the scene of the collision—as many as 17,000 people, according to the Motor Insurers Bureau. Not all those cases result in injury or fatality, but there are families who know that their son, daughter, husband, brother, sister or relative was left on the road, dead or dying, by someone who just decided to go off. If a person decides to drive away and leave somebody dead or seriously injured on the road, they must face the consequences of their decision—that seems pretty simple—and explain in due course why they left the scene of the crime. Whatever the reason was, they must face the consequences for doing what they did.

In Committee, I asked whether I needed to give hon. Members examples of what families have had to go through. I did not want to, because it was harrowing and distressing enough to hear about them, as the right hon. Member for Tunbridge Wells will know from the case he mentioned. There were huge numbers of examples, and I do not want to repeat them. People know; they do not need things drawn out graphically.

I repeat what I said in Committee: how would we reply to a constituent who said that we have the power to take action? Would we say, “It’s a shame, but there’s nothing much I can do about this. I’m sorry to hear that”? What if our constituent said, “You have the power, the capacity and the wherewithal to change this”? Would we just shrug that off and say, “Nothing to do with me. I’m sorry; there’s nothing I can do”? Would we sit there in silence? Would we look at the data and the information? What would we do? Well, I know what I want to do. I want to try to change the law, so that those who leave others dead and dying in the road are held to account, and face up to their actions. It is our solemn duty to protect our constituents. If we cannot protect them from people who decide to leave them dead or dying, we must at least try to send a message, for the sake of their families, who seek not retribution, but justice. That is what I want to do.

[Peter Dowd]

I will finish with a study by Dr Matt Hopkins at the University of Leicester, who interviewed dozens of hit-and-run drivers about why they failed to stop. A fair proportion of hit-and-run collisions, as they are called, involved drivers who did not have valid insurance and often did not have a valid licence. Others were banned from driving at the time of the collision. Still others were under the influence of drink and drugs. They were trying to avoid responsibility, not just for potentially killing someone, but for being drunk or on drugs, or whatever it was. I understand that people might leave in a state of panic, but they must none the less face up to their responsibilities.

New clauses 35 and 36 are an attempt to send the message out—not in a super-duper emotional way; I am not trying to threaten—that if a driver, whatever the circumstances, decides to leave the scene of an accident, they must face the consequences. I am not wedded to the sentence being five or six years in prison, or to the amount of the fine; we can debate and have dialogue about that—or I hoped that we would, but regrettably we have not. That is why I brought the new clauses back today. I have not said that I will push them to a vote; I do not want to. I just want people to bear them in mind, and to think about the impact that such actions have on families. Those people must be held to account.

Dehenna Davison (Bishop Auckland) (Con): I know that this place can have a reputation for being home to nothing more than Punch and Judy politics, but in debates like these, we see the best of this House, as people raise their experiences and those of their constituents, and work, often in a cross-party fashion, to bring forward changes to legislation that will have the right sort of tangible impact for everyone across our country. On that basis, I will support a number of amendments, including those of my hon. Friend the Member for Carshalton and Wallington (Elliot Colburn) and my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes), and, of course, the new clause that my right hon. Friend the Member for Tunbridge Wells (Greg Clark) and my hon. Friend the Member for Chatham and Aylesford (Dame Tracey Crouch) tabled in Committee, which I am glad the Government accepted.

It will be of no surprise to anybody in the House that I rise today to speak to new clause 9. Before I go any further, I thank the Minister for her kind words about my dad. I hope that she will not mind my saying that her own father—her constituency predecessor—would, I am sure, be incredibly proud of the work that she is doing in her ministerial post and in her constituency.

I hope that the House will forgive and indulge me as I tell—hopefully for one last time in the Chamber—the story of my dad. Dominic Davison was a 35-year-old self-employed stonemason, a brilliant dad, a brilliant family man and a great friend to all who knew him. On a Friday night in 2007, he went to the pub with his friends and never came home. Regrettably, he was involved in an altercation that resulted in his receiving one fatal blow to the head—a blow so significant that he was dead before he even hit the ground. That is why I have dedicated much of my campaigning time since then to trying prevent other families from having to go through the horror and shock that my family had to go through.

However, today is not about my dad, me or my family. As I have campaigned, this issue has transformed from something deeply personal into something much greater; it is about the resilience of all the families who have experienced such horrific tragedies and have pushed through, and who are now campaigning for change. It is only right that I pay tribute to the incredible work of Maxine Thompson-Curl and her partner, Tony, who run the One Punch UK charity, based in the brilliant north-east. That initiative came from another terrible tragedy.

3.30 pm

Maxine has long spoken of the story of her son Kristian, who was in his late teens when he died. As the designated driver—a great lad—he had gone to pick up his mates from a nightclub, and went to the loo while they were finishing their drinks. A guy approached him in the toilets and asked whether he had a cigarette. He said no. The result was that Kristian received a single blow to the head. He fell over and hit his head on the ground, and was in a coma for, I believe, about 10 months before regrettably passing away.

Maxine has dedicated her entire life since then to campaigning not only for improvements to the criminal justice system, but for improved awareness more broadly, so that fewer people out there feel that the first step they should take if they are aggravated or frustrated is to raise their fists. The work of One Punch UK includes going into schools to talk to young people about the dangers that can arise from that one split-second moment of silly action, which can ruin not only the lives of those who lose their loved ones, but the life of the person who throws that blow. I commend those at the charity for their work.

In talking to families from right across the country, in constituencies far and wide, we have pulled out a few key themes on where the system is not working as it should and as many of us would expect. Regrettably, the core theme is sentencing. There are a few cases that I can raise. Shaun Hardy's perpetrators received sentences of just 27 months, Lee Burns's perpetrator received a two-year suspended sentence, and Robert Holland's received a sentence of three and a half years. There have in recent years been improvements to the length of sentences passed, but even now, it is believed that the average sentence for taking a life through that kind of violent punch is around four years. The question that we in this House must ask ourselves is: what is the price of a life? What is the price of losing a loved one?

I can safely say from experience that no sentence will ever be enough to make up for the tragedy, trauma and anguish faced by individuals who have lost loved ones like that, but four years is not justice; it is nothing short of insulting. I tabled new clause 9 to improve sentencing, not just to bring a sense of justice for the families impacted by these horrific crimes, but to improve faith in our wider criminal justice system, which we know is facing difficulties among members of the public.

The new clause is based on legislation introduced in a number of Australian states. We have used very similar wording to try to make it as specific as possible. I am incredibly grateful for the engagement from the Ministry of Justice and the Home Office, including from the Secretary of State for Justice, the Home Secretary and, of course, my hon. Friend the Minister. I appreciate

their concerns about creating discrepancies in the law—for example, our new clause talks specifically about a punch, so if someone were to be slapped forcefully and fall over backwards, the clause would not apply. Of course, I do not want to allow emotions to dominate when we are ultimately here in this House as legislators to make the best law and have the best possible impact for our constituents.

I have been very grateful for the strong levels of engagement throughout my campaign on one-punch awareness. I and One Punch UK offer our thanks to the Government, and to Members right across the House who have got involved in our campaign, come to our awareness days and signed amendments to improve things for families going through these horrific tragedies, for their engagement.

I do not intend to press my new clause to a vote because the Government have—again, I am grateful for this—come forward with a wonderful package of measures that we believe will make a brilliant and tangible difference for the families impacted by such horrendous tragedies. For example, we have been offered a full review of low-culpability homicides, taking into account not just single punches but any single blow and other such crimes, to look at whether or not a sentencing review is needed. Of course, we would like that review to get started as quickly as possible, and I know that the Minister recognises the urgency with which we have been campaigning on this matter. I and One Punch UK look forward to working with her and the Victims' Commissioner to get that review under way; I will be on their backs, making sure that it is a strong review with strong recommendations, and will be pushing for the Government to accept the recommendations at the end of the process.

Sentencing itself is only part of the picture, because one of the difficulties we have experienced is the expectation gap in sentencing. Let us go on a journey from the perspective of someone whose loved one is lost. The first moment is the knock on the door to say that your loved one has been killed, and the second moment is learning the reason why. The third moment is learning that the case is going to go to a criminal trial. At that point, in your mind, it does not matter what rational explanation you have been given: your loved one has been murdered, so your expectation is that a murder charge will be brought and the defendant will go away for life. It is emotional—it is not rational—but that is the true experience of victims. To then find out that a lower charge of manslaughter will be put forward and that the charge will be lower-culpability manslaughter, meaning that the average sentence will be more along the lines of four years, is an incredibly difficult journey for any victim to go on.

Most good, law-abiding families do not have intense experience of the criminal justice system, nor should they. As such, one of the things we have been pushing for is a single point of contact specialising in one-punch assaults, to be that hand-holding guide from day one through to the trial and beyond, so that those expectations can be dealt with right from the get-go, in order to avoid that horrific expectation gap and the feeling of betrayal by the criminal justice system. On that basis, I am incredibly pleased that the Government have appointed Rob Kirby to that role as part of the National Police Chiefs' Council. I look forward to meeting him and

working with him to design his workstream, to make sure that we get that work under way as soon as possible.

Ultimately, the end goal is to stop as many families as possible from having to go through that journey in the future. Awareness is absolutely key, and once more I must praise the work of One Punch UK. It goes into schools and educates young people, and it goes into prisons and talks to perpetrators about how they can turn their lives around. There is an individual who I must also praise. His name is Jacob Dunne. Jacob was a perpetrator who threw a single punch and went to prison. He turned his life around, and he now fights for restorative justice—he himself goes and speaks to young adults who have made bad choices to encourage them that there is a better way. Recently, he has worked with James Graham to produce a play at the Nottingham Playhouse called “Punch”, which I am looking forward to seeing tomorrow—well, I say that. I imagine it is going to be intensely emotional, but I do look forward to seeing it, because I think it will be a really positive step in raising awareness and hopefully discouraging anyone else from raising their fists at the wrong moment.

On the point of raising awareness, once again I am very grateful to the Ministry of Justice and the Home Office for committing to fund a further tranche of the Walk Away campaign. That is a public awareness campaign, and they are allowing me to help co-design it alongside One Punch UK, to make sure we spread the message to the maximum possible number of people that raising your fists is not the right answer.

Once again, I am very grateful to all colleagues who signed new clause 9. I would of course have liked it to be accepted and to see it pass, but all of us in this place know that we cannot let the perfect get in the way of the good. If someone had told me at the start of this campaign that we would achieve what we have managed to achieve today, I would have bitten their arm off. I was recently asked whether I consider this package of measures to be my legacy; I absolutely do not, mainly because I am not going to stop campaigning on this issue even when I have left this place. It is the legacy of all those families who have lost loved ones, of all those campaigners who have fought for change and, of course, of my dad Dominic. I know that he would be as grateful as I am to the Government for the positive steps that they have brought forward today.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Rosie Winterton):

I will call Members whose amendments have been selected for separate decision first. I call Jess Phillips.

Jess Phillips: I was not expecting it to be me—thank you, Madam Deputy Speaker. I have tabled amendments. I am sure everybody in this House will be delighted to hear that I will not be pushing all of them to a vote, because we could be here all night if I did.

Many people have put in a great amount of work, including the previous speaker, the hon. Member for Bishop Auckland (Dehenna Davison). I wonder whether, in her summing up, the Minister could give us some idea of whether the Bill will ever make it on to the statute book, because we are all working hard to put things into law, but we potentially have just 12 weeks left in this place, and it is a pretty long Bill to get

[*Jess Phillips*]

through the Lords. I am worried about progress being stalled and about whether we are wasting our breath, but here I am and I will waste mine.

New clause 44, which stands in my name, seeks to replace the term “controlling prostitution for gain” with “sexual exploitation of an adult”, and to provide a definition of adult exploitation in the Sexual Offences Act 2003. In 2015, a significant change was made through the Serious Crime Act, whereby “controlling a child prostitute or a child involved in pornography” was replaced with the term “sexual exploitation of a child”.

Children who were once labelled prostitutes are recognised as being children who have been groomed and abused, and who are in desperate need of support. Unfortunately, no such change occurred for adult victims of sexual exploitation. I noted the earlier conversation on the issue of cuckooing, and the importance of understanding that a person can be groomed and coerced. The people who rent or own properties in that circumstance would be adults, so we do recognise that adults can be groomed; it just is not reflected in our laws. In fact, new clause 47, which also stands in my name, talks about that as well.

Sexual exploitation occurs when individuals or a group take advantage of an imbalance of power to coerce, manipulate or deceive a person into sexual activity. That is often done in exchange for something that the victim needs or wants, and it will disproportionately benefit the perpetrator. The impact on lives is devastating.

One case study from the STAGE group highlights the sudden change in perception of sexual exploitation as a person reaches adulthood:

“Meena was 15 when she was introduced to her perpetrator. He began...supplying her with alcohol and drugs to the point she developed a dependency on alcohol. He used her fear around shame as a form of control to ensure she did not speak out about the abuse he would subject her to. Between the age of 15-18 Meena was seen as a victim of CSE and professionals did all they could to safeguard her. At 18 the exploitation was continuing. However, since moving into adult services the police and adult social care have questioned whether Meena was just making unwise choices and whether she was getting something out of these exchanges... Meena had a missing episode. She was located following a sexual assault. However, the responding police officer informed”

her support worker

“that this experience cannot be sexual exploitation because Meena is over 18.”

The lack of a legal definition and the continuing label of sexual exploitation of adults as “controlling prostitution for gain” has led to the continued abuse of countless women like Meena and to the lack of response from safeguarding agencies. New clause 44 would play a vital role in changing the perception of adult victims of exploitation. As I have said, new clause 47 would make an aggravating factor of the grooming in these cases—adult cases—just as we do in cases of childhood sexual exploitation.

Since 2019, the STAGE partnership against adult sexual exploitation, which I declare I am the chair of, has supported over 700 adult women who have experienced grooming, and that is just in the north-east and Yorkshire. STAGE’s work has confirmed that grooming is a common technique used to manipulate people for sexual exploitation. There are considerable overlaps in the perpetrators’ behaviour and tactics with those seen in cases of child

sexual grooming, and it has a devastating negative impact on people’s ability to consent and make capacitated decisions. It is a deliberate process of limiting the freedoms of a person by gaining control over them and creating dependency. However, for adults who have experienced grooming, it is often reduced to making poor life choices because of the belief that grooming can only happen to children. Adult victims of grooming are repeatedly asked victim-blaming questions such as, “Why did you get back in the car? Why did you stay with them? Why didn’t you leave?”

I do not know if Members of this House have seen the TV programme “Baby Reindeer”, but it is one of the best examples I have ever seen. It is interesting because it is about a man, and I therefore think that, as a nation, we might be more ready to believe it. There is an incident where he goes back to somebody with more power than him, who has a hold over him in his career and is feeding him drugs for dependency. He goes back, but under our current laws he would not be considered to have been groomed. That would not be a mitigating factor in any case that he could take. If he was a child, it would be a mitigating factor—nobody is arguing against that.

3.45 pm

Sir Iain Duncan Smith: The hon. Lady is making an important point. All of this comes back to how we view vulnerability, because it displays itself in very different ways. In almost all these cases, there is some base vulnerability, and a drug addict or a person who has been accused of various things realises that, on balance, they had better do what they are told or coerced into. That is the real point, is it not?

Jess Phillips: I absolutely agree, and it can truly happen to anybody—we have seen how people even in this House can be coerced into things. It is dangerous. If there are criminal charges for blackmail, sexual violence or whatever against a person, grooming should be an aggravating factor, regardless of age, on the basis—as the right hon. Gentleman rightly says—of a differential of vulnerability. Until grooming of adults is recognised in legislation, it will continue to be misunderstood by law enforcement and the criminal justice system, and victims will not be adequately protected.

New clause 45 would essentially decriminalise the offence of loitering or soliciting for the purposes of prostitution, and repeal section 1 of the Street Offences Act 1959. Tens of thousands of sex trade survivors who are convicted of that offence endured violence and abuse from punters and pimps, or they were criminalised for offences arising from their exploitation. The exploiters and abusers remained at liberty, continuing to offend, while we criminalised the victims.

In one case I was told of, a young woman was 15 when she was first exploited into prostitution by a man posing as her boyfriend. He became her pimp, and as well as sexually abusing her himself, he made her sell sex on the street where she often feared for her life. For years she suffered violence and abuse from her pimps and punters, and was regularly arrested by the police while they exchanged friendly greetings with her pimp—that, by the way, is essentially protected under the law in our land at the moment, which needs some heavy review. As a consequence of that history, which dates back to the

1980s, she has 39 convictions for soliciting and loitering, which will remain on her record for life, despite her having exited prostitution more than 30 years ago. She is one of thousands of women who have lived through that experience.

Times have changed. Those in much of street prostitution are now widely understood to be the victims, and they are usually no longer arrested. The new clause would provide the necessary recognition that women convicted of such offences were not criminals. It would ensure that the UK complies with international human rights obligations to women exploited in prostitution, and it would replicate the majority of Council of Europe states that have fully legalised or decriminalised prostitution, or adopted the sex buyer model, which decriminalises only those exploited and not those who profit or benefit from prostitution.

New clause 46, which is connected to new clause 45, would create a mechanism for those who received convictions for loitering and soliciting for the purpose of prostitution to have them disregarded. We have seen quite a push in the House regarding the criminalisation of people from the Post Office and—quite rightly—to have those convictions quashed. I am asking us to consider those young children and very vulnerable women who were criminalised, because that will remain on their criminal records until the survivor reaches the age of 100. It means that women who were convicted continue to be disadvantaged by the mandatory retention of such records, as a result of being historically subject to violence and exploitation. Despite recent changes to the disclosure regime, women are still at risk of those records being disclosed in certain circumstances. In the Post Office drama, one woman could not go into her kid's school to do a painting session. We are talking about women who have been exploited not being able to go into our kids' schools.

New clause 48 argues that strangulation should be seen as an aggravating factor in the sentencing of murderers, and the Minister sought to address some of these issues. Working with many families of murdered women, many of them speak to me of the horrors of how their loved one was killed by strangulation. Strangulation is not a weapon. Weapons have different sentencing regimes, and in this instance, a man's strength is their weapon; he brings a weapon by bringing the strength to strangle and kill somebody. We have gone over the debates and the amazing work of Carole Gould and Julie Devey looking at the differentiation between those who kill a stranger or anyone in the street with a knife getting a 25-year minimum sentence, and someone who kills their wife with a knife in their home getting a 15-year minimum sentence. That is fundamentally wrong. Schedule 21 to the Sentencing Act 2020 needs a massive review, but one thing we could definitely do is put in aggravated factors specifically on strangulation, as Clare Wade suggested.

We debated new clauses 49 and 50 extensively in Committee, and they relate to whether victims of domestic violence deserve defences in the law. I imagine this matter will get an even bigger run-out in the Lords. Many learned Members of the other place very much wish to see these mitigations for cases where women commit crimes as a result of the pattern of abuse they have suffered. I look forward to that being the ongoing debate down there.

We did not debate new clause 93 in Committee, so I will just talk about it. I like it as a policy, because it does not cost anything, which the Minister will be pleased to hear. It calls for the sentencing code to be amended to require judges to consider making compensation orders where there is evidence of economic loss or damage as a result of the offence. I know from my constituents and the charity Surviving Economic Abuse that even when a survivor is lucky enough to have her case reach court and her abuser handed a prison sentence, she has to live with the long-lasting impact of the abuse. Some 5.5 million UK women have had their money and belongings controlled by their current or former partner in the past 12 months. Many economic abuse survivors often end up homeless, destitute and with damaged credit scores that prevent them from rebuilding their life.

While the sentencing code requires judges to consider awarding compensation when making their judgments, in reality they do not. Research by Surviving Economic Abuse looked at successful controlling or coercive behaviour prosecutions that featured economic abuse between 2016 and 2020, and it found that despite evidence of loss and damage caused by the perpetrator, just 2% of cases resulted in the perpetrator being ordered to pay compensation. New clause 93 would help ensure that judges consider whether a compensation order is appropriate in cases of economic abuse.

That is the end of my amendments. However, my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) has had many a mention today. She cannot be here today, but she has asked me to make some remarks on new clause 2 on her behalf. I make them very much on my behalf, too, with one particular question to the Minister. I have already asked her about the age being under 13. If somebody came to me and said that the father of their children had raped a 14-year-old, I do not think they would be particularly happy that they still had to go through the family court process, so I very much hope that when the Minister says this is an iterative process, that will actually be the case. There are still massive safeguarding issues.

New clause 2 would change the law to protect the children of convicted child sex offenders by taking away their father's parental rights. That would be hugely significant and would lay down that fatherhood is a privilege, not a right and that people will forfeit it if they are a danger to their children. That would be a major change. The patriarchal hangover whereby a father's rights over a child were sacrosanct will, at long last, give way to the priority of protecting the child.

It has long been recognised that children need protecting from sex offenders. While in the 1990s we brought forward protection for children through the sex offenders register and restrictions on people who have been convicted of serious sexual offences, we did not tackle parental rights and protect the offender's own children. Somehow, the patriarchal view that a father's rights over their own children must not be disturbed was a carve-out. Obviously that was wrong, because the rights of the child—not the rights of the father—should be at the forefront.

A recent family court case in Cardiff put a spotlight on that. When the father of Bethan's daughter was sent to prison for child sexual abuse, Bethan was horrified to discover that, despite being in prison, he still had rights over their child. When he was sentenced, he was given

[*Jess Phillips*]

an order banning him from any future contact with children, but that ban did not extend to his own children. Bethan spent £30,000 going through the family court fighting to protect her child from him.

The courts and the law should step forward to protect children. It should not be left to the mother—especially because, in most of these cases, the mother will be a victim as well. The court should strip the father who has done the offending of rights over his child.

As the Government have said, they are adopting this change. I have already said that I have concerns about some of the limitations with regard to the offence type. Let us be honest: I do not believe in the rights of fatherhood when parents are abusive at all.

When working with my right hon. and learned Friend, there are a lot of messages—that is what it is always like. The drafting of the legislation has essentially been copied and pasted from previous campaigns that we worked on with regard to Jade's law on homicide, and there is a worry about the drafting of proposed new section 10B to the Children Act, which requires local authorities to make an application to the family court to review the decision to remove the sex-offending father's parental right in every case, even when there is no issue at all with the mother. In her closing remarks, will the Minister address that?

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): Order. I urge colleagues to be considerate of each other in the length of time that they are taking. I am trying to ensure that we get everybody in, and the debate will finish at 7.20 pm, so that means that colleagues have about 10 to 12 minutes each.

Sir Iain Duncan Smith: I rise to speak in favour of new clause 57 and what was new clause 7 which has been copied by the Government in new clauses 94 and 95 on cuckooing. Having discussed the matter, I very much welcome the fact that the Government have essentially adopted my original new clause. Some modifications have taken place, and I agree with all of those.

It is critical that cuckooing is an offence in itself. When we talked to the police about it, they were clear throughout that they could not get into houses where there were problems—or even perhaps criminal activity was taking place—because there was no offence of having taken over the house. It will make the police's job a great deal easier if they do not have to be able to demonstrate suspicion that a criminal act is taking place in the house; they will simply have to believe that the house has essentially been cuckooed. They will then be able to go in and discover lots of stuff.

Many criminals take over these houses for the simple reason that they know it will take the police a while to get their act together and be able to get inside. That action will be speeded up, which I think ultimately will help the police dramatically.

I made the point to the hon. Member for Birmingham, Yardley (*Jess Phillips*) that vulnerability plays a massive part in all this. Who knows what vulnerability is, but some victims have drug, alcohol, physical and mental health problems, and may have other learning difficulties

and other disabilities. We forget about the learning disabilities element, but vulnerability can encompass somebody's lifelong failure through all education systems and everything else. They are vulnerable, but they may not display those vulnerabilities to the public cognisance. Therefore, cuckooing—using someone to take over their house—is what happens. Hidden behind those doors, the victims go unnoticed.

4 pm

Rob Butler: Building on that point, does my right hon. Friend accept that, sometimes, vulnerable people might appear to be exactly the opposite? They might put up a façade of great confidence or even of arrogance, including in the criminal justice process, which I have witnessed as a magistrate. We need to look carefully behind that, to assess whether someone is arrogant or vulnerable.

Sir Iain Duncan Smith: I could not agree more. That is why I was insistent that the Government are clear in the guidance that coercion and other acts negate the idea that, superficially, the individual is declared to have given their permission. That needs to be investigated more deeply by the police before they say, "It's all right, they gave their say so, it is fine." It is not fine. That vulnerability needs to be examined. I am grateful to my hon. Friend for making that point, and I am grateful to the Minister for making it clear at the beginning that that will be in the guidance.

Research from the Centre for Social Justice and Justice and Care highlighted that, despite the terrible impact on victims, taking control of a person's home in this way is not specifically a crime. The specific offence of cuckooing is therefore needed to rectify the harm done. It has been claimed endlessly that civil orders do the job, but they do not because they are short term. They can be obtained quickly but they are not lasting and do not do anything—perpetrators are back into the process because they are not criminal orders. That is the point: if we make this a criminal offence, suddenly these perpetrators will have to think twice.

I am being brief because I welcome the Government's decision to amend their own Bill and put it into law. I am grateful for that, and it will be celebrated up and down the land by many people who have felt abandoned. The issue is linked in many senses to what the hon. Member for Birmingham, Yardley said earlier about vulnerability. It may open a wider debate about how vulnerability is recognised in criminal law.

New clause 57 would create an offence of causing death by serious injury and dangerous, careless or inconsiderate cycling. If accepted, it would ensure that cyclists are held accountable for their actions, enhance road safety and provide justice for victims and their families. Simply, it tries to bring in what has, for some reason, been completely left out of the normal criminal codes and highway code with regards to some of problems caused by the increase in cycling. Let me make it clear that I am very keen for more cycling to take place—it is good for individuals and the environment. I recognise all that. This is not anti-cycling, despite what many people say about it—quite the opposite. It is about making sure that cycling is safe and reasonable.

I want to raise the case of Matthew Briggs, who has been campaigning for a law recognising death and serious injury. He is in the Gallery, witnessing these

events. His attempt to get a cyclist prosecuted after his wife was killed in central London in 2016 involved a legal process so convoluted and difficult that even the presiding judge has said, since she has retired, that it made a mockery of the law. It needs to be addressed that the laws do not cover what happened to Matthew's wife and a lot of other people. They had to use a Victorian law made in about 1850, about wanton and furious driving, which referred to horse riding. Nothing has been done ever since. It is quite a different offence, to be frank, and it certainly is not about cycling.

As far back as the 1950s, it was recognised that juries were slow to convict in motor manslaughter cases—that is recognised in a report that I will come to in a second—which led to major changes in the law for drivers. The case for changing the law on cyclists is now urgent. By the way, it is not just me saying that. Back in 2018, the Department for Transport commissioned an independent inquiry into this very issue. Some of the points it made are really relevant, but nothing has been done since. It stated:

“there is a persuasive case for legislative change to tackle the issue of dangerous and careless cycling that causes serious injury or death; in order to bring cycling into line with driving offences.”

It is interesting that it referred to a number of countries that do incorporate that. It has not led to a fall in cycling in those countries—it is still increasing—but it is done on a lawful basis. The report quoted a barrister—this is a key component:

“I consider that this legislative change would have a positive effect on all road users.”

They went on to say that it

“would have a positive impact purely and simply on the basis of cyclists being well aware that if they were to ride in a careless or dangerous manner and were unfortunate enough to kill someone”

laws would proceed against them. They went on to say:

“I would like to think that it would have a positive impact for people to think ‘I am going to slow down, I’m not going to do anything stupid’”

because it could put them in danger with the law. As I said, that independent report is from 2018, but nothing has been done since. That has made this more important. Matthew Briggs and other campaigners often have faced a lot of abuse from people who simply do not want change to happen. It is time for us to recognise the impact of this issue.

Under the current 1861 law, even if someone on a bike has killed a pedestrian, they can only be jailed for a maximum of two years. That creates a clear discrepancy between different forms of dangerous behaviour on roads, and the punishment does not always fit the severity of the crime or achieve justice for victims. In one case, Mr Justice Mitting stated:

“If the vehicle ridden by”

the suspect

“had been motorised he would have had no defence to a charge of causing death by dangerous driving, an offence which carries a maximum sentence of 14 years’ imprisonment.”

There have been calls for legislative change for some time—I mentioned the report—but the numbers are growing.

It is worth looking at some other cases, which show that Mr Briggs's case is far from isolated. Families who have lost loved ones or who have suffered injuries are desperate for change. In July 2020, Peter McCombie, 72, was killed by cyclist Ermir Loka, who had jumped a red

light. In June 2022, Stewart McGinn, 29, was jailed for a year after he sped on his bike around a corner in Monmouth, south Wales, hitting Jane Stone, 79, who died four days later.

In June 2022, Hilda Griffiths—this is a very important case—who was aged 81, was run over by a cyclist, who was racing along at 29 mph in a 20 mph zone on a high-performance racing bike. She subsequently died. The extent of Hilda's injuries were so severe that all the NHS medical professionals at St Mary's Hospital could not believe that the collision had been with a bicycle. At the time, they thought they had misread the notes and that it must have been a motorbike or a vehicle that caused such extensive, life-threatening injuries. The case was unable to proceed because the speed limit does not apply to cyclists. These anomalies need to be resolved.

On 1 May, I met Paolo Dos Santos, who was knocked unconscious after she was hit by a speeding cyclist who was overtaking a car—overtaking a car—at the same spot. She suffered several facial injuries and now requires reconstruction surgery for her upper jaw socket. Without initial surgery, she would have lifelong discomfort and pain, and would not be able to use her mouth properly to chew, or anything else. In 2016, Diana Walker, 76, died when a cyclist hit her in Pewsey, Wiltshire. In June 2020, Ian Gunn, 56, died in south Manchester, yet the cyclist was cleared of wanton and furious driving.

It is interesting: I am talking about not just deaths, but injuries. I hope colleagues note the age of most of the victims. It is older people who are affected and it is worth recognising that this is a real problem.

The Department for Transport produces statistics on pedestrians involved in road collisions in Great Britain as reported by or to the police. Between 2018 and 2022, 2,000 pedestrian casualties in Great Britain occurred in a collision involving a pedal cycle. Of those, nine were fatal, 657 were very serious injuries and 1,292 were injuries. The number of pedestrians hit by cyclists has increased by a third since 2020, and in 2022, the most recent year for which figures are available, 462 collisions between cyclists and pedestrians were recorded by police. According to data from NHS England, 331 pedestrians were admitted to hospital after a collision with a cyclist between 2022 and 2023. Six of those patients were over the age of 90, and 11 were under the age of four.

We can see a pattern here: the elderly and the very young are becoming the people most affected. It should also be borne in mind that most of these injuries and accidents are not reported to the police because most people do not think anything will happen—unlike motor accidents, although I take the point made earlier by the hon. Member for Bootle (Peter Dowd) that even motorists try to abscond.

Rehman Chishti (Gillingham and Rainham) (Con): Will my right hon. Friend give way?

Sir Iain Duncan Smith: I will, but very briefly, in view of your strictures, Madam Deputy Speaker.

Rehman Chishti: May I make a specific point about road traffic accidents? We are debating a Criminal Justice Bill, and we are discussing support for victims. The maximum penalty for driving without insurance is a £300 fine or six points on the driver's licence, unless the case goes to court, in which case drivers can receive unlimited fines and be disqualified from driving, irrespective

[*Rehman Chishti*]

of whether their offence is the first or the 10th. Should we not address that aspect as well, with the aim of making our roads safe?

Sir Iain Duncan Smith: I hope my hon. Friend will forgive me if I do not go down that road at this particular point, because I am dealing with a very focused new clause, but I think that, as a minimum, we need to bring matters back into balance and allow ordinary pedestrians and others to recognise that there is a problem that needs to be rectified. I hope the Government will do that.

There has been an explosion in the number of electric bikes. The other day, I watched as someone on an electric bike passed a small primary school, just at the last moment avoiding the children who were coming in and out of it. I genuinely believe that he must have been doing over 30 miles an hour—coat flapping in the wind, not a care in the world, wearing no protection and certainly with no concern for those young children. It gave quite a shock to many of the mothers who were standing there. I watched with astonishment at the arrogance of the cyclist. It has been reported that some of these bikes have been adapted so that they can go faster than the legal speed limit for vehicles. These are not simply retrospective issues; they are developing issues.

I believe that the new clause will achieve equal accountability. Drivers are held accountable for dangerous driving resulting in death, and cyclists should face similar consequences for reckless behaviour that leads to fatalities. It will achieve deterrence, because stricter penalties for dangerous cycling will act as a deterrent, and it will achieve justice and closure for the families of victims who deserve it; outdated laws that do not adequately address cycling-related fatalities can leave them bereft. Finally, it will achieve public safety, because updating traffic laws can contribute to safer road environments for all users, including pedestrians, cyclists and motorists.

New clause 57 stands not only in my name but in those of many colleagues on both sides of the House, and I recommend it to the Government. I recognise that it is not perfect—as was suggested by the hon. Member for Stockton North (Alex Cunningham)—but I hope that the Government will adopt it, given that it can be modified in the other place if necessary. Not to adopt it now is to deny that there is a problem. I intend to press it when the time comes, but we do not have to divide on it, because I hope and believe that there is a chance of the Government's adopting it, which would be a relevant and good position to take.

Let me end by commending Matt Briggs. He has campaigned bravely for some time, and has been vilified by many parties who do not want this to be done. His wife died and he has been without her for a number of years, but he has never relented in his campaign. Just over a week ago, I heard him speak on Radio 4, and his testimony so moved me that I decided we had to start acting now. I make no apology for that. As I have said, the new clause is by no means perfect, but action is better than inaction in so many cases.

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): I would like to speak in support of new clause 16, which is in my name. It seeks to amend the Road Traffic Act

1988 to provide that dangerous, careless or inconsiderate driving offences may be committed on private land adjacent to a highway. I am grateful to my hon. Friend the Member for Swansea East (Carolyn Harris) for presenting and supporting my new clause in Committee, and for the positive comments in Committee from colleagues on the shadow Front Bench and the Government Front Bench, as outlined by my hon. Friend the Member for Stockton North (Alex Cunningham) earlier.

4.15 pm

I should like to give some background to the new clause. In August 2017, a 22-month-old child, Pearl Melody Black from Merthyr Tydfil, was tragically killed when walking with her father and brother. Pearl was killed by an unoccupied vehicle that rolled from a private drive in Merthyr Tydfil on to the highway and down a hill before crashing into a wall that subsequently crushed Pearl and injured her father and brother. In the months after the incident, officers from the serious collision unit of South Wales police worked tirelessly to put a case together to provide justice for the family. In short, all tests concluded that the car was mechanically sound and that it had rolled because the handbrake was not fully engaged and the automatic transmission was not fully placed into “park” mode.

The case was sent to the Crown Prosecution Service and worked on by the London office as well as by the independent QC hired by the CPS to consult. Everyone was hopeful of a conviction under the death by dangerous driving category. The CPS also looked into other possible options. In June 2018, however, the CPS stated that it was unable to send the case to court because a glitch in the law stated that, in order to bring a prosecution under the Road Traffic Act 1988, the vehicle must have started its journey on a public road. So, even though Pearl was killed on a public road, the fact that the vehicle started its descent from a private drive meant that prosecution was not possible. The coroner stated that the vehicle was well maintained and that it seemed that the issue was very much one of driver operation. The inquest heard that the handbrake had not been fully applied in “park” mode.

The inquest into Pearl's death was heard in October 2018, and the outcome was that it had been an accident. However, with the support of South Wales police and the CPS, Pearl's parents have sought to change the law—and they continue to do so—so that other families are not in a similar situation of not being able to secure justice due to a legal loophole following such a tragic and completely preventable incident. As Gemma and Paul Black acknowledge, as the legislation would not be retrospective, it would not help to bring justice for Pearl, but preventing anyone else from suffering such an injustice might provide some comfort.

I introduced a ten-minute rule Bill to amend the 1988 Act, and that Bill had cross-party support. However, as with most ten-minute rule Bills, it fell due to a lack of parliamentary time. A new clause in this Criminal Justice Bill would allow for the change to be made. It is wholly wrong that in cases such as the tragic one I have outlined justice cannot be achieved where there can be no conviction simply because the land on which the incident takes place is not classified as public. If the law on driving offences occurring on private land adjoining public land were changed, it would be a powerful deterrent

to road users showing carelessness, as well as to those who have no doubt exploited the current loophole in the law to avoid conviction when they have undoubtedly been at fault. People would be likely to take more care and pay more attention when driving or parking on private land close to public land, in the knowledge that there could be serious consequences for careless or reckless behaviour.

There are instances where private land adjoining public land is regularly used and potentially dangerous to those around it. These areas include residential driveways, as I have outlined, as well as schools, nurseries, supermarkets, shopping centres and doctors' surgeries, to name some of the most common. When we consider some of these examples, we can see that driving on that specific category of land can present a high risk to people in everyday situations, especially children, the elderly and some of the most vulnerable among us.

I am sure that all hon. and right hon. Members would agree that nobody who has suffered the loss of a loved one or had an accident or injury as a result of a driving offence should have to endure the injustice of seeing those responsible go free simply because of a loophole in the law. Prosecutions for driving offences—and, indeed, any illegal action—should be based on what happened, not where it happened. I am hopeful that, if these changes are made, it would give people such as Gemma and Paul Black, and many others, the peace of mind that there are consequences for dangerous driving, no matter where it occurs, and it would help to prevent such needless and avoidable tragedies.

The Criminal Justice Bill is the first opportunity in a number of years to amend the Road Traffic Act. I understand that the Ministry of Justice is supportive but, as it relates primarily to transport, it is for the Department for Transport to provide a workaround. I am therefore grateful to the roads Minister, the hon. Member for Hexham (Guy Opperman), for meeting my constituents Paul and Gemma Black a few weeks ago. He offered some hope, and he offered to do what he can to help. I am also grateful for the positive conversation with the Under-Secretary of State for the Home Department, the hon. Member for Newbury (Laura Farris).

Although there has been work on this complex issue, there is no definitive progress as yet. Perhaps the Minister could give some indication as to the Government's current thinking when she winds up the debate. I will continue to chase progress, because I believe this is a matter of common sense and justice. I hope the Government will offer some support, hope and peace of mind for my constituents Paul and Gemma and, no doubt, for many others across the constituency.

Vicky Ford: Before speaking to new clauses 25 and 26 in my name, I want to say that it was a huge honour and privilege to serve in Committee, where we did a huge amount of work on the Bill. We can all see elements of the Bill that affect our constituencies. In Chelmsford, outlawing the scanners that thieves use to intercept car key signals so that they can drive away with our vehicles is welcome. Essex's police and crime commissioner has campaigned for the new knife crime laws. Along with others, I have campaigned and lobbied the Minister for the amendments she tabled on spiking. I also support the amendments before us today on a huge range of matters, including the ones on dangerous cycling, cuckooing and revenge porn.

This shows the Bill's incredibly wide scope, which provides an opportunity to update crucial laws in so many areas. Faint-hearted or cowardly Ministers would not have given us a Bill with such broad scope. They would have shied away from it, fearing having so many amendments and so many areas of controversy. They would have feared colleagues tabling amendments to play political games, and they would not have taken the risk. Ministers have done the right thing by introducing a Bill with such broad scope. They recognise that even the best laws sometimes need a fresh pair of eyes, because situations change, and they want our laws in this country to be the best they can possibly be. I thank them for not shying away from the work and for being so brave in allowing these discussions to happen.

My amendments are far from playing political games. They propose extremely important laws to protect children from the vilest of vile crimes—child sexual abuse and, particularly, online child sexual abuse. There is a good reason why, for so many decades, it has been illegal for people to have images of child sexual abuse on their computer, because we know that people who look at this sort of content are more likely to step from the virtual world into the real world to abuse children. I would argue that people who abuse children in the virtual world are even more likely to go on to abuse real children.

New clause 25 would update our laws on paedophile manuals to include AI-generated material. New clause 26, which would also update the law for the rapid evolution of AI, would make it illegal to use digital tools such as bots or avatars to simulate sexual communication with a child. This would include acts such as creating a bot or avatar to rape a child in the digital world.

I thank the Internet Watch Foundation for its work on these new clauses, which are supported by the police lead on child sexual abuse and others. Artificial intelligence is developing extraordinarily rapidly. There has been an explosion in AI content, and the consequences of that in the dark world of child sexual abuse are devastating. AI-generated images are becoming so widespread on the internet that when the IWF conducted a snapshot study between September and October of just one dark web forum, it discovered that more than 20,000 AI-generated images of child sexual abuse had been uploaded in just that one month on that one forum. These images are now so realistic that it is incredibly difficult for law enforcement agencies to tell the difference between real images of real children, who need real safeguarding, and those that have been generated using AI.

I turn to new clause 26. Under section 15A of the Sexual Offences Act 2003, it is an offence to communicate sexually with a child. The new clause creates a new offence of simulating sexual activity with a child; this includes using, creating or sharing bots or other tools to simulate sexual communication with children. I am told that in online paedophile communities there is always a desire to utilise technology to bring the fantasies of child sexual abuse closer to a reality. The evolution of AI technology is seen as the ultimate solution—it is grim; it allows child abusers to feel as close to the sensation of interacting with and abusing a real child as possible without actually committing the physical act of abusing a child. However, just as we know that a person who regularly views image of CSA is more likely to sexually abuse a real child, it is absolutely clear that a

[Vicky Ford]

person who abuses a virtual child, or directs an online companion or bot to do so, is much more likely to go on to abuse a real one.

Dame Maria Miller: My right hon. Friend is dealing with an issue that demonstrates the type of issue pervading all of this Bill. Again, I pay tribute to all the people who served on the Bill Committee and dealt with such a difficult range of issues, as they have done a great service to our House.

Vicky Ford: On behalf of all of us who served on the Committee, I thank my right hon. Friend for that. I should say that the Ministers and shadow Ministers did a huge amount of work on the Bill.

To put it simply, the online act of abuse lowers the bar to physical offending. There is huge concern regarding the development of AI chatbots and the ease, speed, and quality with which text-to-image-based generative AI tools have been developed. Furthermore, it is important to recognise that this is becoming a risk to massive numbers of children. The National Crime Agency estimates that approximately 680,000 to 830,000 people in the UK—between 1.3% and 1.6% of the adult population—pose some form of sexual threat to children.

Android and iOS app stores have a plentiful supply of AI companion apps. They enable the user to create an imaginary online friend, to choose what that friend looks like and to direct what they do. The three largest apps have already received well over 1 million downloads each. Within minutes of downloading one of these popular apps, law enforcement operatives were able to have an interactive communication with an AI chatbot discussing the abduction, sexual abuse, torture and murder of an eight-year-old girl.

Furthermore, through monitoring offender discussions online, we know that technically capable users are actively building AI chatbot companions specifically for the purpose of having realistic, paedophilic role-plays involving AI child avatars. Ian Critchley, the national police lead on child protection, has warned that the metaverse creates a

“gateway for predators to commit horrific crimes against children”.

There are many stories of child avatars having been subjected to the most hideous of rapes. In evidence to the Education Committee, of which I am a member, the Children’s Commissioner described a child who had

“virtually experienced being raped and sexually abused.”

She said that we must not think that that type of rape is not traumatic, just because it happens in an online world. It is traumatic. It is abuse, and it can be part of grooming. She warned us legislators to

“not underestimate the safeguarding issues”.

4.30 pm

The type of behaviour that we are discussing normalises the sexual abuse of children. It encourages those with sexual thoughts about children to act on their urges. We know that this type of behaviour can and does lead to contact offending in the future. It puts real children at risk of significant harm that will impact them for their whole life. Furthermore, Madam Deputy Speaker, you will be concerned to hear that many AI-generated tools

have been trained on real material, involving real children. That type of interaction is far from being a victimless crime. It is clear that AI chatbot technology has to be more tightly controlled. It needs to be regulated. At present, there is no responsibility placed on individuals or entities who create or share these vile digital tools, let alone on those who use them. My amendment will change that.

New clause 25 covers paedophile manuals. There is an existing offence of possessing guides to the sexual abuse of children—so-called paedophile manuals. The new clause would update legislation so that it referred to guides giving advice on creating child sexual abuse content using generative artificial intelligence or machine learning. Section 69 of the Serious Crime Act 2015 prohibits the creation, distribution and use of paedophile manuals. However, the legislation is applicable only to directions on the sexual abuse of real children; it specifically omits “pseudo photographs.” It makes no reference to directing people on how to use technology, such as text-to-image generative AI or machine learning, to create child sexual abuse material, or to providing hints and tips on how to create such images.

One recent 210-page manual contained detailed instructions on how to extort images and videos from adolescents. The guide advised people to first ask the child to share images of them wearing swimwear, a bikini or underwear. Once those images have been obtained, the guide discussed how to use nudifying AI technology to remove the clothing from the child. It then explained how to blackmail the victims into sending nude images of themselves, and how to use those images for sextortion. It also contained information on the devices, apps and websites that a perpetrator can use to protect themselves from detection.

Sextortion is another crime that is growing incredibly quickly. The National Centre for Missing & Exploited Children in the US reported 26,718 cases of sextortion globally in 2023, compared to just 10,000 the year before. There has also been an explosion of cases in the UK. The National Crime Agency recently wrote to all schools about the growing risk of sextortion. Hon. Members may have heard about the recent case of 16-year-old Murray Dowe, from Dunblane, who died by suicide after becoming a victim of sextortion. It is a heinous and growing crime—a scourge. Just imagine how much worse it will become if we allow it to become rocket-fuelled by AI altered images. New clause 25 will ensure that our laws cover digitally generated images and the digital generation of material. Finally, I thank the Government for new clause 65, which introduces a duty to report child sexual offences. However, I would just say to the Minister that further clarity on how that provision works in practice is very important.

Amendment 25 is not scheduled to be discussed today. I hope the Minister can confirm that the Government will introduce an amendment on paedophile manuals in the other place. I know that colleagues in the other place intend to re-table the amendment.

I hope that the Government will accept amendment 26. I do not think that the Government Whips want to call on Conservative colleagues to walk through the No Lobby against an amendment tackling the rape of children. I shall listen closely to what the Minister says in her closing speech.

Kim Johnson (Liverpool, Riverside) (Lab): This afternoon, we have heard about some really strong amendments that would strengthen the Criminal Justice Bill, but other amendments seek to criminalise homelessness, further restrict peaceful protest and vastly expand police surveillance powers.

Today, I wish to focus on new clause 28 in my name, which continues the campaign to fix the law on joint enterprise. I began my campaign with support from the amazing campaigners at JENGBA, Liberty and many others for my private Member's Bill back in February. I was grateful to receive the support of nearly 40 colleagues, who back this amendment, as well as a commitment from my Front-Bench team back in February that Labour will seek to review and reform joint enterprise as and when we get into power.

A charge of joint enterprise too often leads to an assumption of guilt in the courtroom. The defendant is forced to prove their innocence, which turns our justice system on its head. That is a failure of our justice system, supposedly the best in the world, and an affront to the taxpayer, who is left footing the bill for sloppy sentencing. My amendment would enshrine in law the concept that a person can be prosecuted under joint enterprise only where they are proved to have significantly contributed to a crime. That would raise the bar for prosecution, and would provide the jury with the tools to differentiate between defendants who deserve to face a mandatory life sentence for their role in a serious crime, and those who do not.

This miscarriage of justice is worse than the Post Office Horizon scandal, because it involves children as young as 13 being convicted and incarcerated for a crime that they did not commit, and being given a whole life sentence, with little or no option for appeal. Campaigning by JENGBA and Liberty led to a six-month pilot data collection project by the Crown Prosecution Service, which has now agreed to roll out the scheme fully and permanently. Analysis of the original data revealed that more than half of those prosecuted under joint enterprise were aged under 25, with black youth 16 times more likely to be prosecuted under joint enterprise laws than their white counterparts. I personally welcome the commitment from the Director of Public Prosecutions to further investigate these disparities.

The evidence clearly shows that the legislation is being widely used as a dragnet to maximise convictions. We need only scrutinise the Old Bailey daily court lists to witness how widespread this practice is. Joint enterprise allows the prosecution to use a racist gang narrative to imply guilt, and to persuade juries using prejudicial stereotypes in place of cold, hard evidence, in a way that is often compared to Russian roulette. Human rights group Liberty submitted one such case last year to the Criminal Cases Review Commission after 11 defendants, all black, were collectively convicted and sentenced to a total of 168 years in prison for a single murder. Evidence included a rap video made online a year earlier, photos of some of the defendants using hand signs, and the alleged favouring of the colour red. I hope that the CCRC, which twice rejected Andrew Malkinson's request to review, will look at this request more favourably.

In that and similar cases, the prosecution called police officers to give their opinion, as experts, on alleged gang culture, a concept that still evades legal definition but carries with it a racist stereotype intended to sway

a jury. That is extremely prejudicial, considering the relationship that the police have with black communities, and considering that black people are disproportionately represented in the criminal justice system.

New data from experts at Manchester Metropolitan University has revealed that nearly £250 million is spent each year on processing defendants in joint enterprise cases. An average of 1,088 people every single year are convicted under joint enterprise; the total cost to the taxpayer of their future punishment is a colossal £1.2 billion. With prisons not only chronically overcrowded but unsafe, as highlighted by the recent prisons inspectorate urgent notifications about Wandsworth and other prisons, and with violent crime on the rise, enough is enough. Joint enterprise is costly and ineffective. It is time for a change in the law.

If the social cost of joint enterprise were not conclusive, the economic cost must be the final nail in the coffin for this shocking miscarriage of justice. It has been a decade since evidence was first presented to Parliament, yet our prisons are dangerously overflowing and failing to rehabilitate. The taxpayer is still footing the bill for thousands of people having been wrongly jailed for the crime of another. If someone does not make a significant contribution to a crime, they should not be prosecuted for it; it is as simple as that. Joint enterprise is a stain on our justice system, and the law must be reviewed and changed to stop this dragnet. It is possible to both uphold justice for the victims of crime and put an end to this injustice. My simple change to the law would do just that. I hope that Members will recognise the need for urgent change and support my new clause.

Elliot Colburn (Carshalton and Wallington) (Con): I rise to speak to my new clause 32, which would address the disparity between existing protected characteristics and current hate crime legislation. Hate crimes relating to race and religion carry higher maximum penalties than those associated with sexual orientation, transgender—or perceived transgender—identity, and disability. That has established an unjust, dual-tier justice system. My proposal aligns with the prior expansion of aggravated offences, such as the inclusion of religiously aggravated offences in 2001 following the Crime and Disorder Act 1998, which initially legislated only for racially aggravated offences. It also builds on the Law Commission's 2021 report, which emphasised the necessity of parity of protection across all protected characteristics, and has garnered substantial support from disability and LGBT+ organisations.

Many people have asked whether this is some sort of woke frontier. We know that a lot of pearl-clutching happens in this place when we mention trans people. I reassure the House, and those concerned about such things, that this is no woke crusade. Indeed, I do not intend in the new clause to divert from existing legal definitions of LGBT+ identities. Nor do I seek to redefine the barriers of aggravated offences. The new clause would simply close a loophole that the Law Commission identified whereby some protected characteristics are treated differently from others in the legal system, for no good reason that I can see.

We have debated many times why sex and/or gender are not included; however, the Law Commission recommended—this was accepted by the Government in their response—that they should not be, because in some cases it would

[*Elliot Colburn*]

lead to a situation where the offence would be harder to prove. The Law Commission therefore suggested that we go down a different route in legislating for offences against women and girls, which the Government accepted. The Government have not yet responded to the Law Commission's 2021 report on these issues. When the Bill was in Committee, the Government asked for additional time to do so, and did not accept an almost identical new clause—in fact, it may have been identical.

Let me set out some background, and show why the time has come for us to close this loophole, and why I hope that the Government will agree to do so. My new clause comes against a backdrop of escalating hate crime rates, which underscore the urgency to act. Between 2011-12 and 2022-23, incidents across all monitored strands of hate crime have surged dramatically. Notably, racially aggravated offences have more than doubled, exceeding 100,000 cases in 2021-22. Similarly, hate crimes based on religion, sexual orientation and transgender identity have seen staggering increases of 433%, 493% and 1,263% respectively. Furthermore, violent hate incidents have surged, comprising a growing proportion of overall hate crime statistics.

4.45 pm

Against that backdrop, I believe the time has come for us to ensure that all protected characteristics are treated equally in law, and my new clause seeks to do just that. If the Government are not minded to accept the wording I have proposed, I would be very interested to have a conversation with Ministers in the lead-up to the Lords consideration of the Bill. If a commitment is made from the Dispatch Box that a Government amendment will be tabled in the Lords in lieu of mine, I will be happy to back away. If not, I will press my new clause today.

It is imperative that all people, regardless of their disability status, their sexual orientation or their gender identity, feel secure and protected from fear and violence. I can see no justification in law for treating those protected characteristics differently. By treating them all as an aggravating factor, we can ensure equitable treatment under the law for those who are victims. I hope that the Government will either support new clause 32 to advance this critical objective or be willing to table their own amendment in the Lords in lieu of mine.

Carolyn Harris (Swansea East) (Lab): Hon. Members may be shocked to learn that some forms of pimping are still legal in this country. One of the most significant examples is pimping websites, which are dedicated to advertising people for prostitution. They function like online brothels, making it as easy to order a woman to sexually exploit as it is to order a takeaway.

Despite it being an offence to place a prostitution advert on land, for example in a phone box, our laws have failed to keep up with technology, meaning that those same adverts can be placed legally, for a fee, on pimping websites. That represents a win for the website owners, some of whom are generating millions of pounds in profit every year, and for sex traffickers, who can easily and quickly advertise people for prostitution and connect with a wide customer base across the UK, but certainly not for the victims—the people who have been advertised and sold for sex and who have no legal protection from their perpetrators.

As a member of the Home Affairs Committee, I have heard harrowing evidence on the dangers of these sites. Shockingly, one pimping website admitted to the Committee that it allows single individuals to advertise multiple women for prostitution at the same time on its site, as well as allowing the same contact number to be used across multiple different adverts. Those are both red flags for sex trafficking. The Committee also heard of a trafficking gang that spent £25,000 advertising a group of young Romanian women. Rather than alerting the authorities, the website owners allocated them an account manager to help them to spend more money, showing a total disregard for the women's welfare. It is quite clear that these pimping websites are now a key component of the business model for sex trafficking, and they must be stopped.

The provisions in the Online Safety Act 2023 do not close the legislative gap that allows online pimping. That is why the Home Affairs Committee recommended a new offence of enabling or profiting from the prostitution of others, which I have tabled as new clause 8. New clause 8 would make it illegal to advertise another person for prostitution, regardless of whether it takes place online or offline.

I am delighted to have cross-party support for the new clause, including from the Chair of the Select Committee, my right hon. Friend the Member for Kingston upon Hull North (Dame Diana Johnson); the co-chair of the all-party parliamentary group on commercial sexual exploitation, the hon. Member for Inverclyde (Ronnie Cowan); the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith); and my hon. Friend the Member for Rotherham (Sarah Champion). It is an absolute scandal that pimping websites are allowed to operate in plain sight. I urge the Government to support my new clause.

New clause 29 is also designed to combat human trafficking. The definition of “human trafficking” in the Modern Slavery Act 2015 is out of line with the internationally agreed definition, and traffickers are benefiting from that. The United Nations protocol on trafficking, the Palermo protocol, does not require victims to have been physically transported from one place to another for an activity to be recognised as trafficking, but our Modern Slavery Act does. Essentially, that means that an exploiter who forces a woman into prostitution, advertises her on a pimping website, controls how many men she has to have sex with each day, and takes her money from her could get a substantially lower penalty simply by virtue of not physically having transported her.

The maximum penalty for controlling prostitution for gain is seven years' imprisonment. For trafficking, it is life. It is vital that we send a message to all traffickers that there are no get-out clauses for that offence, and that we say: “If you trade in human beings, if you profit from women being raped and abused, the absence of a car journey or a flight should not exempt you from punishment.” New clause 29 would bring the UK definition of human trafficking in line with international standards and remove the opportunity for perpetrators of such crime to play the system. That, too, was a recommendation of the Home Affairs Committee.

Again, I urge the Government to support the new clauses.

Sir Paul Beresford (Mole Valley) (Con): I restrict my interest today to new clause 55, which I tabled. It would set up the offence of child criminal exploitation—in other words, it is Fagin's law. The essence of the name Fagin

explains the new clause. In simple terms, if an individual—whether an adult or a child—approached a child with the intention of persuading that child to engage in criminal activity, that in itself would be a crime. That would apply whether or not the child ultimately engaged in the criminal act.

I am delighted to see the Minister for Crime, Policing and Fire on the Front Bench, because I blame him for my dealing with this. We discussed it in a meeting, and I put it to him that we really ought to adapt the grooming legislation or bring forward new legislation to deal with the criminal exploitation of children. Like a normal Minister, he said, “Can you go away and sort it out, and come up with something for me?”, which I have done. He might now refuse it this evening, but I hope that he does not, because I will keep on coming back.

The most obvious crimes to target are county lines, organised shoplifting, independent shoplifting, pickpocketing, carrying goods from pickpocketing, carrying weapons or the proceeds of crime on behalf of another—usually an adult who has groomed the child—prostitution and sex activities, of which there has been quite some mention, as there always is, and, finally and horrifically, the grooming of a child for terrorist purposes. They wrap the child in a bomb, send them off to wherever they need to go, and press the button—absolutely horrific.

I have had considerable discussions with a few very senior, very knowledgeable police officers. They are—unlike what the Minister may feel—very enthusiastic about this tiny bit of legislation going through. One of the senior officers, who targets county lines, explained to me that they rely mostly on trying to fit the Modern Slavery Act to that particular problem, but it is a poor fit.

It has been pointed out to me that this approach has already been covered in section 44 of the Serious Crime Act 2007. In answer to a recent parliamentary question of mine, I was informed that section 44 was used 93 times in 2021-22 and 60 times in 2022-23, which is pathetic. Those figures are further diminished when we look at them a little more closely: they relate to the number of offences, not to the number of individual defendants, and I am not sure whether some or any of them involve a child.

A second, even more senior, police officer who I have worked with has a special interest in child protection—that is his job. He has made it clear that he is enthusiastic about this move, and I am sure he will thank the Policing Minister if we nod it through today. He has made the point to me that while there are provisions in the Serious Crime Act—which I have just mentioned—as well as in the Modern Slavery Act 2015, the Misuse of Drugs Act 1971 and other Acts that the police can try to make fit, they are a poor fit. It does not work, because that legislation is not specific to children.

In essence, senior police officers point out to me that those pieces of legislation are rarely used to stop child criminalisation. They also make the point that if the legislation were adapted ever so slightly to refer to a child, that would make a difference. Any Members present who are parents or have had care of children will know that children—not all of them, but most of them—are persuadable.

One of my villages, Bookham, has a petrol station on the A246 with a shop attached to it. That shop is big, well known and open 24 hours. Late one evening, the single man who was in there looking after the customers

noticed that there was a single person in the shop, an eight-year-old child in a dressing gown. She was helping herself, and was obviously going to zip out the door with what she had pilfered. When he approached her, she said, “If you come any closer, I’ll open my dressing gown, and I’ve got nothing on underneath.” She would not have thought of that. She could not have thought of it—she was only eight. She was quite clearly doing that for somebody else, who was probably sitting outside with a camera. That is the sort of thing that we should be stopping. Of course, I am going to find out in due course whether I am persuading the Minister.

As I have said, the opinion of that child protection officer is that the legislation we have does not fit. He and many other senior police officers working in this area want further legislation to specifically equate grooming through criminal exploitation with what is contained in the Sexual Offences Act 2003, targeted at child protection. All the officers who have an interest in the protection of children with whom I have discussed this matter have pointed out that the key difference between my new clause 55 and section 44 of the Serious Crime Act is that my new clause is specifically targeted at the child. From my discussions with police officers, I have been impressed by the deterrent effect on criminals who may be prosecuted for a child offence. That, I understand, tends to make life in jail even more difficult than it might otherwise be.

As a number of senior lawyers—including Members of this House—have pointed out to me, there is overlap and duplication within British law. I am no lawyer, but many lawyers have said that to me. If my new clause 55 became law, the tariff applied to the crime would be that which would apply to the crime that the culprit was attempting to persuade the child to commit. If it was murder, the tariff would be life; if it was just pilfering from a shop, it would be very much less. As many Members will be aware, for many years, I have been pushing for improvement in legislation for the protection of children. I have also worked—particularly as a councillor—in the inner cities, so I know they are vulnerable. If my new clause is accepted, it would make a huge change to the protection of children against a life of crime.

Dame Diana Johnson (Kingston upon Hull North) (Lab): There have been some excellent speeches on this first day on Report on the Criminal Justice Bill, and I support many of the amendments that have been spoken to. In my remarks, I particularly want to focus on amendments tabled by hon. and right hon. Members that the Home Affairs Committee has recommended in a number of our inquiries.

I will start with new clause 8, on pimping websites, which seeks to establish an offence of enabling or profiting from prostitution. It was tabled by my hon. Friend the Member for Swansea East (Carolyn Harris), and I commend her for her speech and for setting out so clearly why this is important. The Home Affairs Committee has recommended this change, and we concluded that it is imperative that the Government make it a criminal offence to enable or profit from the prostitution of another person to reduce and deter trafficking for sexual exploitation.

5 pm

During our inquiry on human trafficking, we were shocked to find out that not only do pimping websites used by traffickers enjoy impunity—I hope the Minister

for Crime, Policing and Fire is listening to this particular point because this is about his officials—but Home Office officials and the National Crime Agency collaborate with these pimping websites. They sit in meeting rooms with the operators of these websites, and

“encourage them to only provide services which minimise the likelihood of illegal or high harm activity”.

Yet the National Crime Agency, when we questioned it about this approach, was not able to offer any evidence that this approach to these sites has led to any reduction in trafficking or has helped the safeguarding of victims. The Committee was therefore forced to conclude that collaboration has been a “resounding failure”.

What our inquiry laid bare is that websites advertising prostitution are a significant facilitator of trafficking for sexual exploitation, and the Online Safety Act 2023 is not going to solve the problem. The Online Safety Act does not outlaw pimping websites. In fact, disturbingly, draft guidance published by Ofcom would actually provide a defence for pimping websites to ignore warning signs of sex trafficking. Quite helpfully, I have just been to a meeting with Ofcom to challenge it on this draft guidance, and I was not impressed by the answers it gave me about what it would expect from website providers in carrying out a risk assessment.

The Home Affairs Committee has been quite clear that, if one man is advertising 10, 20, 30 or 40 women on a pimping website using one telephone number, to us it is a red flag that exploitation, and most likely trafficking, is going on. Yet we were told by Ofcom this afternoon that it did not necessarily mean that because, perhaps out of the goodness of his heart, the man might be helping women who choose to advertise sex by allowing them to do so on his website, so it would be wrong for Ofcom or the website operator to infer that trafficking and exploitation was could be happening. I hope Ofcom will read this debate and listen to the criticisms of the draft guidance that it has produced so far.

The Home Affairs Committee heard from witnesses about websites advertising prostitution, and we took the view that these websites are a market-expanding force. As my hon. Friend the Member for Swansea East said, they centralise and concentrate the customer base for traffickers—men who pay for sex, basically—and as a consequence they are a magnet for traffickers. Even if the sites are not flagrantly ignoring the signs of sex trafficking, which they are at the moment and may well be able to do under the new guidance from Ofcom, I and the Committee do not believe there is any way to make those sites safe. It is very easy for traffickers to cover their tracks on such sites—for instance, by simply making their victims upload their own adverts to the websites. That is why the Home Affairs Committee backs the change in new clause 8, which I hope the Minister will look at again.

I also support new clause 29, tabled by my hon. Friend the Member for Swansea East, which concerns the definition of human trafficking. It would bring the statutory definition of human trafficking in line with the internationally agreed definition of trafficking, first by removing the requirement for the exploitation to have involved travel, and secondly by clarifying that the consent of the victim is irrelevant, in relation not just to the travel but to the exploitation itself. That legislative change was recommended by the Home Affairs Committee as a result of our inquiry into human trafficking.

We concluded that it was vital to remove the requirement of travel, and clarify that consent to exploitation is irrelevant to whether a crime has been committed, in order to

“strengthen law enforcement’s ability to bring the full force of the law against perpetrators of exploitation.”

It is simply too easy for sex traffickers to operate in this country right now, as my hon. Friend set out in her speech, and I ask the Minister to look at what the new clause would achieve.

Amendments 32 to 41 on spiking were tabled by the hon. Member for Gloucester (Richard Graham), and I pay tribute to him for his dogged determination to ensure that the Government get this right. One thing I have learned in this place over the years I have been here is that we must persist until we get the outcome that we want. Two years ago the Home Affairs Committee published the results of our inquiry into the crime of spiking. We found that spiking can have a deeply damaging impact on the victims’ physical and mental health, and that urgent action was needed to improve the reporting, investigation and prosecution of incidents, as well as to support victims. Crucially, the Committee determined that the absence of a specific offence of spiking, in addition to limited reporting and investigation, meant that there are few deterrents for offenders. We concluded that introducing a specific criminal offence would act as a deterrent, by sending a clear message to perpetrators that spiking is a serious crime that attracts severe penalties. It would also facilitate police work to identify perpetrators and patterns of offending, by enabling the police to collect better data on the prevalence of spiking incidents, as well as encouraging victims to report spiking to law enforcement.

The amendments would tighten up the new clauses in the Bill that relate to spiking, ensuring that they cover attempted spiking and spiking perpetrated to humiliate, to annoy, or for entertainment. I am pleased to add my support to the hon. Gentleman’s amendments, and the Government would be well advised to accept them so that we can finally have a robust law on spiking that deters offenders and ensures accountability.

I also wish to mention Government new clause 86. The Home Affairs Committee is currently conducting an inquiry into non-contact sexual offences, which encompasses a range of sexual offences involving no physical contact between the perpetrator and the victim, such as voyeurism and indecent exposure. There are significant concerns that that form of violence against women and girls is not taken seriously enough, with perpetrators too rarely held to account. I am pleased that the Government are taking some action relating to non-contact sexual offences, and Government new clause 86 creates an offence of creating a purported sexual image of an adult without consent. The Home Affairs Committee is developing a range of recommendations to strengthen action against non-contact sexual offending more broadly, and I look forward to sharing those with the Minister and Government in due course.

I support the amendments tabled by my hon. Friend the Member for Birmingham, Yardley (Jess Phillips). On new clause 9, I congratulate the hon. Member for Bishop Auckland (Dehenna Davison) on her campaign over many years on that important issue. I also support the Chair of the Women and Equalities Committee on the amendments that she has tabled.

Richard Graham (Gloucester) (Con): There are so many things in this important Bill on which it would be a great pleasure to talk, but you will be relieved to hear, Madam Deputy Speaker, that I wish to focus my remarks on the amendments in my name.

Earlier this morning, I met two of my constituents and two people who live about a mile outside my constituency. I pay particular tribute to Hilary and Henry Stinchcombe. Hilary's daughter and her daughter were murdered by Hilary's daughter's husband some years ago on the edge of Gloucester. What that family has been through, as they said today, reminds them, me and everyone here of how incredibly important it is that criminal justice Bills address some of the most horrific crimes that anyone can go through.

I am grateful for the Government having done so much work on this issue. I am particularly grateful, speaking primarily to amendments 32 to 41 in my name, for having had so much help from so many colleagues, whether they are the 23 Members who have signed the amendments or the 43 Members who have spoken in two debates and accompanied me in two ten-minute rule Bills, or whether that is the terrific support given by the right hon. Member for Kingston upon Hull North (Dame Diana Johnson), who led a Home Affairs Committee investigation into spiking and has given me a huge amount of moral support.

Spiking is an entirely cross-Bench, cross-party, cross-everything issue. It is important, because a bit of legal history is being made. It will be the first ever appearance of the word "spiking" in draft law. In the year to August 2022, which I think is the latest data, the National Police Chiefs' Council recorded just under 5,000 reported cases of spiking, divided almost equally into cases by needle and drink, with a much smaller number of other reported cases, primarily from food. That is why this change matters so much. Anyone who does not believe that the word "spiking" deserves to be in law is missing a point that is much bigger than any of us realise.

It has been a long journey, as the right hon. Lady alluded to. Following her absolutely correct observation that persistence is perhaps the No. 1 thing that any of us in this House needs to have if we want to achieve changes in legislation, she will be interested to learn that the Latin word "Prorsum" was the motto of HMS Gloucester. I take my inspiration from both the Latin and English word, and she is right to mention it. It has been a longer journey than Members from all parts of the House might have imagined from the size and scale of the data. There have been endless meetings with Home Secretaries, safeguarding Ministers, Justice Ministers, Select Committee members and other colleagues, and those have eventually led us here. It is almost three years since I first became aware of the importance of the issue—as so often happens to all of us, it was through a constituent—through the experience of my constituent Maisy Farmer and her mother Rosie.

What has made the difference to the atmosphere in which Ministers have been able to bring this forward in legislation? I have no doubt that the ebullient support and anecdotal evidence from Dawn Dines, the founder of Stamp Out Spiking, and the first-hand experience from Members such as my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes) and my hon. Friend the Member for Mid Sussex (Mims Davies) have made a difference. Another factor

is the fact that the actress who plays a spiked heroine in "Coronation Street" was comfortable to come and talk about the huge amount of correspondence she had from playing that role. There is also what others, such as the journalist Kate McCann, have been through and are now able to talk about. All these things have had their influence.

Today, we have the word "spiking" on the front page of the legislation, and that is above all because the Home Secretary and the Justice Secretary get it. In fact, they got it some time back. Because the safeguarding Minister, my hon. Friend the Member for Newbury (Laura Farris) has researched and done the detail, we are able to look at the specifics of the legislation being proposed.

Effectively, the Bill updates sections 23 to 25 of the Offences against the Person Act 1861 with clearer, modern, post-Sherlock Holmes language—by the way, I imply no disparagement of the great man or his casework successes. But that is exactly what I called for in our January 2023 debate because language matters, behavioural change is a valuable side-effect of legislation, and police records do need to show that spiking is the cause of both the primary and, sometimes, secondary offence. The former police drugs lead Jason Harwin specifically said that we need a spiking offence in law because that would help to identify the picture more quickly.

5.15 pm

Can the Minister—not the safeguarding Minister but the Minister for Crime, Policing and Fire, who is on the Bench, if he can tune in briefly—confirm that the offence covered by these changes will be known as "spiking", will come under that umbrella word of "spiking" and will be recorded by the police as such in their data, so that we can, for the first time, really get an accurate sense of how many cases of spiking there are, both primary and secondary?

Can the Minister also confirm that the Bill will apply equally to both genders and transgenders? Can he respond to my concerns that the draft legislation may not necessarily cover the point made by the Association of Police and Crime Commissioners that

"the creation of a separate criminal offence for spiking would send a clear message to perpetrators...and victims"?

If it is not to be a separate offence, can he confirm that that message will be absolutely clear, as well as the methods through which it will be relayed? Can he also confirm, therefore, that the analysis of the data and incidence will specifically be about spiking and named as such? That should encourage more victims to come forward.

There is also the question of motive. The Bill understandably focuses on harmful substances, which is indeed what most spiking cases involve, but not all. As we know, motivations for spiking vary. Some elements of spiking are clearly about creating fear and causing humiliation without actually having harmful substances, but that does have a harmful impact. We therefore need to be able to ensure that harmless as well as harmful substances are covered, even though they will waste a lot of potential investigation time. We need to ensure that everyone is clear that so-called harmless substances that are intended to humiliate the victims are not acceptable and will be punished in law.

My amendments are designed to fill the potential gap by replacing language about definitive action—“administer”, “administering”, “attempt” or “attempting”—with an intent to injure, an intent to aggrieve and an attempt to humiliate, making sure that, whether the action actually took place or was prevented, stopped or decided not to be launched, the attempt is covered in law. I hope that the Minister will give me the reassurance that the safeguarding Minister implied earlier from the Dispatch Box in answer to a question that the Criminal Attempts Act 1981 very much covers the attempt to spike as well as the actual spiking.

Amendment 41 would add to clause 13 the words

“to annoy or humiliate the other person, or for the purposes of the entertainment of the person or any other person.”

That would cover the non-harmful substances issue—in other words, the act of spiking as a lark, for fun or just for amusement. It is not at all funny for the victims involved.

Those are the main points that I wanted to highlight. To summarise, all 10 of these amendments seek the same three simple objectives: first, to ensure that this section of the amended 1861 Act will be known to the police for their record keeping as “spiking offences”; secondly, to ensure that attempts to spike, even if frustrated, are covered by the Bill and its proposed tariff of punishments; and, thirdly, that attempts to injure, humiliate and be amused by non-harmless, non-harmful substance spiking are covered.

These are probing amendments. If the Minister who is in his place or the safeguarding Minister is able to give me absolute assurances that these aspects are all covered, quoting as far as possible from relevant legislation, I will consider not pushing my amendments to a vote. I believe that all colleagues who have supported me, including the Chair of the Home Affairs Committee, the right hon. Member for Kingston upon Hull North, would accept that situation.

Ultimately, this is about trying to ensure that everyone is clear that spiking is explicitly in the law as a criminal offence, whether the substance is harmful, whether the spiking was successful and whether it was a joke or intended to be a joke. It is an offence that causes mental distress as much as physical harm. If the Minister can convince me on those points, we will have the tool to get to grips with spiking and to support parents, the nightlife scene, the police, the NHS, university students and wider society. That would be a fantastic legacy of this Parliament, in line with the Prime Minister’s commitment to reduce violence against women and girls, who predominantly are the victims of spiking, and the unstinting work of the Home Secretary, the Justice Secretary and the safeguarding Minister to support us to get spiking into law.

John McDonnell (Hayes and Harlington) (Lab): My hon. Friend the Member for Birmingham, Yardley (Jess Phillips) said that it was uncertain whether this legislation would ever reach the statute book, because of the time available to us in the run-up to the general election. I hope that some of the measures to be dealt with on day 2 of consideration of the Bill do not get on to the statute book. However, across the House today, there has been an interesting setting of the agenda for the next stage of the debate on the Bill in the Lords and perhaps for the period after the general election. Perhaps

an incoming Labour Government will have to deal with those issues as well. They reflect a number of concerns that we deal with as constituency MPs.

I congratulate the hon. Member for Gloucester (Richard Graham) on tabling his amendments on spiking. It is an issue that affects many of our constituents. I hope that the Government will respond positively and work through the detail. Perhaps we can have something in the Lords that overcomes some of the Government’s concerns about it. I agree that using the expression “spiking” is important, so that people know that we are dealing with it.

Peter Dowd: I welcome the amendments tabled by the hon. Member for Gloucester (Richard Graham). It is important to indicate that my hon. Friend the Member for Bradford South (Judith Cummins) was also involved in supporting amendments on this matter. I welcome the cross-party agreement on this issue.

John McDonnell: The Bill Committee itself also worked hard to try to reach consensus on some of the issues.

The right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith) is not in his place, but cuckooing has become a critical issue in some of our constituencies, where the most vulnerable people have their accommodation taken over by drug dealers and feel intimidated. Often, they are the most vulnerable, with special educational needs or mental health problems. It is a relatively new issue that has come to light in some of our constituencies, and it needs to be addressed.

On the amendments tabled by my hon. Friend the Member for Bootle (Peter Dowd), in a dignified way he did not go into the detail of individual incidents, but there have been cases in my constituency. We had three youngsters—one aged 17 and two aged 16—killed by a hit-and-run driver. The drunk driver was eventually caught. The issue was not just that they broke the law but that they did not stick around to help in any way, or even report the incident so that emergency vehicles could get there more quickly to assist those who had been harmed.

The two issues I want to draw attention to are the ones whose campaigns I have been involved in. First, my hon. Friend the Member for Liverpool, Riverside (Kim Johnson) tabled new clause 28 on joint enterprise. I think we are all getting long in the tooth on this one. We have been campaigning for years—for decades—for some clarity in the law, so that it does not operate as a dragnet that draws people in. In some instances, we have had cases where the individual drawn in was not at the scene of the crime or was distant from the scene of the crime, yet they have been prosecuted for serious crimes, often murder. For that reason, the significant contribution of new clause 28 reflects discussions and debates within legal circles but also in the courts themselves. It is a simple amendment that would bring some justice to many cases where people have, unfortunately, experienced what I believe is a miscarriage of justice.

Secondly, the hon. Member for Carshalton and Wallington (Elliot Colburn), who is not in his place at the moment, raised the more effective use of the law to tackle hate crime. I convened a meeting of disability groups a few weeks ago. There is a wave of hate crime against disabled people at the moment, on a scale that we have not seen for a number of years. We have had

incidents not just of abuse in the streets, but even people being pulled out of their wheelchairs. I do not want to be party political here, but I have to say that statements by some individual Ministers about lifestyle choices and benefits and so on have not helped. In fact, it has directed some hate crime towards people with disabilities. We need to recognise that that happens—we should not sweep it under the carpet—so we should have an effective legal response to it. New clause 32, tabled by the hon. Member, is an effective way of ensuring the message goes out there to people that hate crime is a serious offence and that if they commit it they will be prosecuted and the sanction will be effective and serious. I hope that the Government will accede to new clause 32, but if he does put it to a vote I shall certainly be voting for it.

I want to raise another issue, prisons overseas, that I just find preposterous, to be frank. The hon. and learned Member for Bromley and Chislehurst (Sir Robert Neill), the Chair of the Justice Committee, referred to it and I agree with him. I tend to think it is a stunt. I do not see it as a practical way of dealing with the overcrowding problems in our prisons. We should deal with them in exactly the way the Justice Committee has been saying for a number of years: send fewer people to prison, in particular those for whom prison is inappropriate—those with mental health problems, drug problems and so on. If we do send people to prison, build appropriate prisons so that we can maintain them but, more important, rehabilitate them.

This flies in the face of all we know about rehabilitation and everything we have learnt over the years. I declare an interest as an honorary life member of the Prison Officers Association. Everything we know from the professionals involved—probation officers, prison officers and others working within the system—is that to rehabilitate people one of the best things we can do is, first, make sure they have access to their families. It is their families who urge them to behave, rehabilitate and come out as quickly as possible. Secondly, we can ensure they have full access to training and education to rehabilitate. Thirdly, we can ensure that they have proper legal advice, so they know the situation they are in and come to terms with it, and understand the law as it applies to them.

My fear is that, if we depend on prisons in foreign countries, access to family will be limited—that is inevitable. There is no assurance that I can see that prisoners would receive appropriate training or rehabilitation. Access to legal advice within the UK system would inevitably be restricted. This therefore flies in the face of everything we know about how prisons should work, and it flies in the face of many of the things that the Government themselves say about how the system should operate to maintain safety but, at the same time, rehabilitation.

A number of amendments and new clauses have been tabled on the basis of professional advice from others. I urge the Government to accept that we should not send abroad prisoners who, within a limited period, will face potential release. I also think that prisoners who have been imprisoned for public protection should not be doubly harmed by being sent abroad, and that proper consideration should be given to inspection arrangements. I believe that it will be almost impossible to maintain an appropriate inspection arrangement for both prisons and escort services when they are located abroad, and that if it is maintained, it will be extremely expensive.

5.30 pm

This is not worth the stunt that it is. It is a short-term measure, and I think that Ministers will have egg on their faces at the end of the day. At least the amendments and new clauses could ensure that there are proper inspections and regular reports to Parliament on how the system is operating, although I wish that the Government were not going ahead with it.

As I have said, I do not think the Bill will reach the statute book, but there are a range of issues that we can, on a cross-party basis, take forward into whatever legislation is forthcoming. There are a great many amendments and new clauses that I will not mention, because others have done so more effectively, but they have set a very good agenda for a discussion about criminal justice in the future—although I do not think the second day of debate will be as constructive as today has been, because some of those proposals would have an impact on our civil liberties and human rights and therefore cannot be supported.

Dame Maria Miller: The speech from the right hon. Member for Hayes and Harlington (John McDonnell) has served to demonstrate the extraordinary breadth of the Bill. I have sat heard this afternoon about the incredible work done by my colleagues, on both sides of the House, on an immense range of issues, and I think that that must underline to our constituents how hard many Members work on very, very difficult matters. The right hon. Member for Kingston upon Hull North (Dame Diana Johnson) has called on us to be persistent. She will think that I am a very persistent Member of Parliament when it comes to the issue of intimate image abuse, which I have been talking about for nigh on a decade. She is right: we have to be persistent, because it pays off.

I want to touch briefly on some of the amendments and new clauses that have been discussed today before I turn to new clause 86. Let me first reiterate my support for new clause 2—tabled by the Mother of the House, the right hon. and learned Member for Camberwell and Peckham (Ms Harman)—which deals with the question of parental responsibility after rape. It is an important new clause, and I hope that Ministers have listened closely to what has been said. Let me also pay tribute to my hon. Friend the Member for Burton (Kate Kniveton), who has spoken out movingly on this issue.

The amendments on spiking tabled by my hon. Friend the Member for Gloucester (Richard Graham) are a testament to persistence, and he deserves all our gratitude not only for the work he has done in getting his proposals to this stage, but for keeping us all so well informed about the work that he is still doing. Amendment 160, tabled by my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes)—the Chair of the Select Committee—has picked up some of the issues that I shall be talking about, namely the way in which we treat non-consensual sexual images. The Government need to do more work on this: “must try harder” is my suggestion.

My right hon. Friend the Member for Tunbridge Wells (Greg Clark), whose name is attached to new clause 62, made an extremely moving speech about his proposal for legislation to deal with that most appalling of crimes, the sexual abuse of people who have died and are in the safety of a mortuary. New clauses 25 and 26 were tabled

[*Dame Maria Miller*]

by my right hon. Friend the Member for Chelmsford (Vicky Ford), and I hope that Ministers listened carefully to the compelling case that she made about the rapidity with which the online world is moving and the need for us to keep the law up to date.

Let me now turn to new clause 86. I am pleased that the Government tabled it, although they knew that this matter needed to be addressed following the passage of the Online Safety Act 2023. The new clause shows that they continue to understand the importance of classifying the making of intimate images without the permission of the person in the picture as a sex crime. Yet again, however, we are trying to tackle it as though it were more about why the pictures were taken, rather than about the fact that they were taken in the first place. That is the wrong approach, and it is as wrong now as it was when we debated this issue in the Online Safety Bill. I thought that we had dealt with that argument, but clearly we have not.

It was out of scope of the Online Safety Bill to make the making and taking of an intimate image without consent a crime, so I really welcome the fact that the issue is being dealt with now. The Online Safety Bill tackled the distribution of those images, but we argued successfully during the passage of that Bill that when it comes to sexual offences—new clause 86 creates a sexual offence—our law needs, first and foremost, to be about consent. It must be about whether there is consent or not, not about whether the perpetrator intended to cause distress or alarm. Despite the response to my intervention earlier, it remains unclear to me why new clause 86 is not constructed in the same way as the provisions in the Online Safety Act 2023, given that it will work hand in hand with them.

So, what are we talking about? We are talking particularly about whether it should be a crime for somebody to take or make an intimate sexual image of another person without their consent. At the moment, the Bill says that it will be a crime only if the Crown Prosecution Service can prove beyond reasonable doubt that the person taking or making the picture had the intention to cause the victim alarm, distress or humiliation. Mention was made earlier of online rape, and that is the terminology that many of the victims use. The victims I have spoken to are still a victim of that crime, whether or not the perpetrator had the intention to cause them alarm, distress or humiliation.

Even more concerning is the fact that the Government already know from evidence that many of the people who create these images do so not to do harm, cause distress or alarm their victims; they do it for money. Oddly, they sometimes do it for fun. They do it for their mates. They do it because they have a collection of similar pictures. All those people who have had nude images created or taken are no longer victims if a good lawyer can prove that the person taking the image had no intention to cause alarm, distress or humiliation. That has to be wrong, and I call on the Minister for Crime, Policing and Fire, my right hon. Friend the Member for Croydon South (Chris Philp), who is sitting on the Front Bench, and the Under-Secretary of State for the Home Department, my hon. Friend the Member for Newbury (Laura Farris), to think again. They have not got this right.

The harm lies in creating the sexually explicit image without consent. The Bill sets out that that is not the way the law will treat this, and that someone will have to prove an intention. There needs to be a motive of the perpetrator proving sexual gratification. As all the lawyers in this room know—I am not one of them—that is incredibly difficult. A consent-based approach would focus on the core wrong of non-consensual sexual conduct. Motives are not required in most sexual offences.

Mention was made earlier about the way in which some organisations have removed nudification apps from their websites. I am concerned that they might work out that if they stated that their motive was just to make money, they would not be breaking the law if they allowed those nudification apps to continue to be available. I am also concerned as to whether the Government have talked to Ofcom, the regulator, about how it will be able to limit the appearance of these images, given the way in which the law is currently framed.

So, there are two questions from me. Will the Minister urgently reconsider new clause 86 and bring it into line with the Online Safety Act? I have a simple idea for her, which is to amend the amendment so that it is consistent with the Online Safety Act in having a base offence that includes production of a sexual image, which can include the taking or creating of an image. Or, the Government could amend their proposed creation offence to make it consent-based, not intention-based. The former I think, is straightforward.

Secondly, I welcome the fact that some companies are taking pre-emptive action to remove their nudification apps, which I called for in the 2021 International Women's Day debate, but they will quickly see that this incredible loophole means that, so long as they have the right legal defence, such nudification apps are entirely within the law. Will the Minister tell the House how the Government are going to make these nudification apps unlawful, and get rid of them once and for all, as people across the nation want?

I thank Professor Clare McGlynn again for assisting me in interpreting the intention of Government amendment 86. It was published on Thursday, so I apologise to the House for not being able to give a more detailed analysis—I have had it for only the past three days. I hope that, at some stage, Ministers will be in a position to explain their thinking and, I hope, change their mind. I know the safeguarding Minister, my hon. Friend the Member for Newbury has put in writing that she wants to send a “crystal clear message” that making intimate image material is “immoral” and “a crime.” She needs to try harder to make sure the Bill does just that.

Mrs Emma Lewell-Buck (South Shields) (Lab): I rise to make a short speech in support of new clause 9, in the name of the hon. Member for Bishop Auckland (Dehenna Davison). I thank her for her kind words about my friends and constituents Maxine and Tony.

Maxine Thompson-Curl lost her son, Kristian David Thompson, in 2011. He was just 19 years old, and his life was taken by one punch. One punch can and does kill. To lose a loved one at a young age in such a senseless way, when they were simply on a night out, is a pain that I cannot imagine.

Since Kristian's passing, Maxine has devoted her life to raising awareness, supporting others and campaigning for stronger sentencing. She has done this via her charity

One Punch UK, which she runs with her husband Anthony Curl. Using her pain, love and grief, Maxine has always been relentless in educating people to stop, think and walk away instead of using their fists.

Although it is generally accepted that there is a concerning rise in one-punch attacks across the UK, there are no official figures on the lives lost and devastated by a single punch. What we do know is that, almost every time a precious life is taken in this way, it is reported that the perpetrator was intoxicated, and their sentence for taking the life of another is almost always extremely lenient. The average sentence is four years, and some walk away after just four months in prison. That is four months for taking somebody else's life. Justice is an important cornerstone of our legal system. Although nothing at all can bring back a loved one, for many people an important part of being able to grieve is knowing that there are consequences for the person who took their loved one away from them.

New clause 9 would put an end to lenient sentences and would hopefully act as a deterrent, so that people think and walk away before using their fists. It would also mean that we have reliable data on the prevalence of one-punch attacks. In the first four years after similar legislation was passed in Australia, the number of one-punch deaths halved. One Australian attorney general has reported a massive reduction in violence since the legislation was introduced.

More than five years ago, the then Minister said that he was happy to look at my proposal in relation to one-punch sentencing, and I am pleased that the Government have looked at this new clause and agreed with the hon. Member for Bishop Auckland, but my constituents remain of the view that stronger sentencing is needed. It is indeed what they have campaigned on for many years. With that in mind, I carefully considered the Minister's response to the new clause in Committee, and I am not fully convinced of her argument. She stated that one-punch attacks are already covered under manslaughter, but there is no mandatory minimum sentence for manslaughter and therefore no minimum sentence for one-punch attacks. That is why we ask for that in the new clause. She stated that the Government wished to avoid "anomalies in the law", and gave the example of someone being killed by a punch to their abdomen. She will know, as will other hon. Members, that a single punch to the head is likely to be more catastrophic than a single punch to the abdomen, as it can cause fatal damage to the brain; it can stop breathing, starving the brain of oxygen, and cause the victim to collapse and strike their head on a hard surface.

5.45 pm

The Minister also stated that the Government wished to avoid another anomaly in cases where someone is killed by two or more punches, as opposed to one. Surely those cases would be viewed as involving intent to cause serious harm, whereas one punch could sometimes be viewed as a mistake, and thus result in a more lenient sentence, as we so often see. I sincerely hope that she can address those concerns in her closing comments.

Maxine told me this week that she knows full well that the new clause may not be accepted by the Government today, but she is thankful for any awareness, and to have the issue raised again on the Floor of the House, because she knows the life-shattering damage that one

punch can cause. Before I end, I pay tribute again to the hon. Member for Bishop Auckland—I am sure that she will be in her place again very soon—for her bravery and determination in pushing the Government to do the right thing for those who are no longer with us, and for those left grieving for them. As the Minister said in her opening comments, I am sure that the hon. Lady's dad is looking on with pride.

Mr Deputy Speaker (Mr Nigel Evans): I call the Chair of the Justice Committee.

Sir Robert Neill: This has been a wide-ranging debate, because it is a wide-ranging Bill, and it has touched on a number of difficult, sometimes sensitive and complex topics. However, the tone of the debate does the House a great deal of credit. I appreciate the tone and approach taken by both Front-Bench teams; there is more common ground than not on a number of these areas. Let us see what we can do to improve things. I particularly appreciate the approach adopted by our Minister today, whose engagement has been exceptional on all these matters; I am grateful to her.

Let me deal with some of the amendments. I certainly congratulate my right hon. Friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith) on his work on cuckooing, which is a real issue; I have seen it in my constituency. We have a gap in the law that we need to plug. I also endorse what was said by my right hon. Friend the Member for Basingstoke (Dame Maria Miller) about new clause 86 and related matters. The concept of consent is perfectly well established in the law on sexual offences, and there would be nothing abnormal in making consent, rather than motive, the gravamen of the offences in question. In fact, that approach would bring them more into line with the rest of the canon of sexual offences. I really hope that the Government will think hard about that. Obviously, I take on board the points made about the amendments that my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes) spoke to, and the powerful speech made by my right hon. Friend the Member for Tunbridge Wells (Greg Clark) about the desecration of corpses. That is a vile concept, and clearly the law needs to be amended.

I will concentrate on two matters that the Justice Committee has examined over a period, the first being the provisions on the transfer of prisoners to serve sentences in prisons overseas. I made it clear that I am sceptical about the efficacy of that measure. I do not say it is unlawful, and I do not think the Opposition are saying that either. I accept that it has happened in limited circumstances elsewhere, including in states that are party to the European convention on human rights. The most obvious example is Belgium renting prison space in the Netherlands, but there has also been an example in Norway and Scandinavia. However, our situation is very different. Those two instances highlight the limited value of such arrangements. The prison space that Belgium rented in Holland was very close by—in some cases, it was literally up the road—and there was a similar situation in the Scandinavian countries. In addition, those countries are in the Schengen area. Those instances are not the same as transferring people overseas, some distance away. The practical implications, which the right hon. Member for Hayes and Harlington (John McDonnell) and others referred to, will get in the way of the proposal achieving anything.

[*Sir Robert Neill*]

I am grateful to the Minister for recognising some of the concerns raised by Opposition Front Benchers and the Law Society. It is imperative that proper legal advice be available. It is important that there be an inspection regime that ensures parity of standards with those in United Kingdom prisons. Again, I stress the importance of maintaining family ties. The Minister follows these things very closely, so she will know that the evidence overwhelmingly shows, time and again, that the three best things for getting people to turn their life around and not reoffend are a roof over their head, a home, and a family or relationship. If a family relationship or close family ties of any kind are undermined, it makes it more likely that people will reoffend.

Given the number of safeguards that will have to be put in place—to safeguard not just convention rights, to which the Minister rightly referred, but common law rights, which predate the convention and our incorporation of it into our domestic law through the Human Rights Act 1998—it is highly unlikely that anyone will ever end up going abroad. I would much rather we concentrated on more direct measures to deal with the crisis of overcrowding in our prisons. The overseas jail cells measures will not make any difference to the pressures on prison places, or any contribution to long-term demand. If we want to return foreign national prisoners abroad, it would be much better to speed up our prisoner return agreements and get those prisoners to serve their sentence in their home country. That would be constructive. We already have the measures and the legal framework to do that; we just need to be much more rigorous in our use of them.

If we really want to deal with overcrowding in our prisons, the Government and the business managers need to get a grip and bring the Sentencing Bill back to the Floor of the House. That Bill contains valuable, sensible and balanced measures that deal with public protection properly. It provides a far better suite of measures to reduce unproductive forms of imprisonment, and concentrate the very expensive resource of prison where it is most needed: on violent, dangerous and serious offenders. That would be a far greater contribution.

I pay massive tribute to my hon. Friend the Member for Bishop Auckland (Dehenna Davison) for her work in this area. As a lawyer, during my time at the criminal bar, I have both prosecuted and defended one-punch manslaughter cases. I fully understand the impact on families; I have sometimes had to talk to families who have had to accept manslaughter charges. With great respect to my hon. Friend, I do not think the wording of her new clause, as it stands, would meet what is required to deal with this. I am concerned that we are looking at the offence in a piecemeal fashion. Unlawful act manslaughter is a legally complex area. It is often not easy for juries to understand; it is not even easy for judges looking at the factual situation to direct on. That was highlighted recently in the Court of Appeal decision in the case of Auriol Grey, the severely autistic and disabled lady whose actions, tragically, caused an elderly cyclist to fall off her bicycle into the path of a car and be killed. She was originally convicted on the basis of unlawful act manslaughter. A very strong Court of Appeal quashed that conviction, which highlights some of difficulties in such cases.

Mrs Lewell-Buck: I am interested in the comments of the hon. and learned Member. As the Bill goes to the House of Lords, will he work with me and others who are concerned about one-punch attacks to draft something that he thinks would do what it is supposed to, and be more legally sound?

Sir Robert Neill: I am always happy to talk about it. It is my conviction that a single piece of legislation purely on one-punch manslaughter is not the answer. If there were to be legislation, it should be a wholesale reform of the law of homicide. The Law Commission recommended a reform of the law of homicide as long ago as 2006, but that was not acted on. That would deal with not just the issue of unlawful act manslaughter, but the other forms of manslaughter, including gross negligence manslaughter, reckless manslaughter and the interplay between murder and manslaughter; manslaughter is often an alternative verdict. Then of course we have the special defences in relation to diminished responsibility, which reduce, under certain circumstances, murder down to manslaughter. That is a slightly complicated field. The law is difficult for juries to follow, and we oftentimes use law that goes back to almost the 17th and 18th century. As for the right way forward, we should do two things. First, all the work being done around the information campaigns, including one-punch awareness and the “walk away” message, takes exactly the right approach. Secondly, we should look again, cross party, at a wholesale reform of the law of homicide, which could pick up those issues.

Joint enterprise remains a problem. I pay tribute to the hon. Member for Liverpool, Riverside (Kim Johnson) for the work that she has done, and for her amendment. I am not convinced that its wording is right, but we have to return to this matter, for the very important reason that many families of those who have been convicted under joint enterprise had hoped that the Supreme Court decision in the case of Jogee, which reversed what it described as the wrong turn taken in the case of Chan Wing-Siu in 1985, would see a number of people’s convictions quashed. In reality, subsequent decisions of the Court of Appeal have tended to narrow the approach in Jogee, very often because of the factual situations, which vary greatly. We do therefore need to look at this issue. I am not sure that the wording in the amendment is the answer, but I hope that we can work constructively on that. There are certain circumstances in which there is a role for joint enterprise, but the expansion of it beyond what most people regard as reasonable is a matter of real concern. I hope we can continue to work cross party to find a better solution.

Rob Butler: A concern that the Government have raised previously when joint enterprise has been considered is the use of the word “significant”, and the term “significant contribution”. The Government have argued that that is too vague. Does my hon. and learned Friend agree that “significant” is commonly used in criminal justice, and that judges and magistrates are very experienced in advising juries or lawyers on deciding what “significant” means? The Government need to come up with something a little more compelling than the suggestion that “significant” is not a meaningful word.

Sir Robert Neill: I entirely agree with my hon. Friend. “Significant” is a good starting point for the work that we need to do. The intellectually rather convoluted approach that we have to joint enterprise at the moment

is really not tenable. A jury will understand “significant”. If we are to have an indictable offence, we need a test that a jury will readily comprehend. “Significant” is comprehensible to jurors.

Peter Dowd: In light of today’s debate and the discussions that we had over several weeks in Committee, does the hon. and learned Gentleman agree that there is a lacuna in legislation in a whole range of areas? I think he is suggesting that we need a cross-party approach, but time is running out. Does he think that certain things could be pushed through, but not in a rushed fashion; they would be considered carefully in the Chamber?

Sir Robert Neill: I agree with the hon. Gentleman’s sentiments. Many of these matters will require consideration—and, on the homicide angle, the involvement, I hope, of the Law Commission. It could be asked to revisit its report of 2006. In fact, I hope that will be done, whatever the party in government. The same is true in relation to sentencing for one-punch manslaughter. I am cautious about minimum sentences generally. I understand the feeling that sentencing is sometimes too low, but at the moment manslaughter can encompass a huge range of facts and degrees of culpability. Any sentencer has to balance the consequence of the act against the level of culpability of the offender. The huge range in culpability creates a difficulty with minimum sentences. It would be better to ask the Sentencing Council to review the matter. If that is done in the knowledge that there will be a cross-party approach, it will carry more weight and give us better outcomes.

6 pm

Finally, I will touch on the production of defendants in the dock to hear a sentence passed. It is a sensitive issue. The sense of outrage among victims and families when people refuse to come up into the dock is perfectly understandable. It is cocking a snook at the system, and at the suffering and grief of the victims and families, but there are practical issues that we have to bear in mind. The Government ought to look at some of the safeguards that have been proposed, particularly given our duty of care to prison staff. I pay tribute to our prison staff, who take risks every day in prisons. It is even harder in the holding cells of a court, and the passageway up to the court and into the dock.

Anyone who has been in a dock, as some of us have many times—professionally—will know that they are tight spaces. It is not easy. Staff do not have the same defensive and protective arrangements that they would have in a prison. If those staff are contractors, who may not do it on a regular basis, there are real risks. We do not want those people to come to harm. We must also ensure that ultimate discretion as to what is appropriate always lies with the judge, because the last thing we want for victims’ families is for psychopathic or extremely aggressive defendants to try to hijack the sentencing proceeding and use their presence in court to turn up the bile, anger, rage or, in some cases that we have seen, political posturing—for example, in terrorist cases. It is terribly important that the judge has the ultimate say in all these matters.

I hope that I have encompassed most of the issues raised. There are others that we do not have time to touch on. I see that my hon. Friend the Member for Carshalton and Wallington (Elliot Colburn) is still present. I hope that

the Government will think about his new clause 32. I looked at the Law Commission’s report. It is carefully reasoned and moderately expressed, and I hope that the Government will find the means, either in this House or in the other place, for further discussion, and will take his legitimate concerns on board.

There has been good progress with the Bill. It is better for what it does not include, in some cases; we will come to that on day 2. Much of what it does include has been improved, but it highlights the complexities that face the criminal justice system as a whole. We always have to be careful not to tinker when sometimes we need a more holistic approach and, of course, the resource to go with it, which is the other key thing that we need. I am grateful to all those who spoke in the debate, and to the Minister for the constructive tone that she has adopted throughout.

Laura Farris: This has indeed been a wide-ranging debate—we use that phrase too often in this place, but it is true today—and it is a pleasure to bring it to a close. I am grateful to all hon. Members who took part. In the time available to me, I will seek to respond on as many of the non-Government new clauses and amendments as I can, and to answer questions. If I fail, please give me a nudge. I will then write to hon. Members or catch up with them at some point and give them a response.

I will begin with new clause 9, picking up where I left off. I was addressing my hon. Friend the Member for Bishop Auckland (Dehenna Davison) and her excellent campaign. Let me set out the steps that the Government are taking. She alluded to them in her excellent speech, but I will confirm what they are. We have worked with the National Police Chiefs’ Council lead for homicide, Kate Meynell, to appoint a named lead for one-punch homicides. That person will carry out an initial scoping exercise to properly establish how many of these cases are occurring, and to understand whether there are barriers to investigation and prosecution for these offences. I take my hon. Friend’s point that we should consider how the offence is communicated to the family, given the particular issues that arose in her case.

We will also build on action already taken, including the three-month Walk Away campaign that was launched in December 2023. That dovetails very neatly with the work of One Punch UK. I know that that is something my hon. Friend will be involved in.

We will establish a lower-culpability manslaughter homicide service practice review, led by Victim Support, which delivers the homicide service. The review will consider cases of manslaughter where there is lower culpability, and I look forward to working with my hon. Friend and getting started on that. We will also conduct individual sentence reviews into particular cases where there is an objection to the end of the sentence, and we will look at the sentencing remarks. She gave the names of a number of campaigners in her speech, and I look forward to picking those up with her.

I will comment briefly on new clause 28, relating to joint enterprise, which was raised by the hon. Member for Liverpool, Riverside (Kim Johnson), by my hon. and learned Friend the Member for Bromley and Chislehurst (Sir Robert Neill), the Chair of the Justice Committee, and by others. The new clause would caveat and curtail the law of joint enterprise only to those who had made a significant contribution. The hon. Member for Liverpool,

[*Laura Farris*]

Riverside knows that joint enterprise is there so that those who act as the burglary lookout, who provide the weapon in the murder or who drive the getaway vehicle do not escape the consequences of their crimes, which shatter lives.

It is already the case, following the Supreme Court decision in *R v. Jogee*, that the person must have helped or encouraged the commission of the offence and intended to do so. I have considered a number of examples of cases where there have been convictions on this basis in recent years, such as the boy who sent a WhatsApp to his colleague to encourage her to conduct a fatal attack or the 14-year-old lad who stood on the edge of a woodland as lookout while his friends gang-raped a girl. They are very painful cases. I will simply say this: I think that people who participate in crime, even on the periphery, should not escape liability, and I do not think anyone can advance a credible argument that they should. We on the Government side still think that those people ought to be locked up.

Kim Johnson: I admit that, and I have not said that we should get rid of joint enterprise, but we know that thousands of young people and children have been incarcerated for something they have not done. The law is not being used in the way it should be, as the hon. and learned Member for Bromley and Chislehurst (Sir Robert Neill) mentioned in respect of the *Jogee* case. We took a wrong turn and we have taken another wrong turn. We need to get it right.

Laura Farris: I am going to respectfully differ from the hon. Lady. I am happy to have another conversation with her about it, but I am afraid that even those on the periphery often have their hands all over the crime.

I will return briefly to new clause 59 on bladed articles, which was tabled by the shadow Minister, the hon. Member for Nottingham North (Alex Norris). The issue of ninja swords was raised by the other shadow Minister, the hon. Member for Stockton North (Alex Cunningham). I want to provide reassurance that both straight-bladed ninja swords, which the new clause is directed at, and curved swords are covered. Curved swords were banned by the Government in 2008, and he will know that possessing a sword or any knife—even a kitchen knife—in a public place without good reason is already a criminal offence, punishable by up to four years in prison.

The reason why straight swords are more difficult to ban is that some of them are held by military historians and for commemorative purposes. However, I wanted to provide reassurance to those on the shadow Front Bench that the Policing Minister engaged recently with the NPCC lead on knife crime, who reassured him once again that the NPCC was not seeking a ban on the use of straight-bladed swords. In fact, of all the knife crime fatalities in the last year, around 1% were caused that way.

What the NPCC is asking for is a clampdown on the online sale of knives to under-18s, which we are doing under the Online Safety Act; the power to seize knives in a private place if the police think they will be used for a criminal purpose, which is already in the Bill; and a ban on machetes and zombie knives, which we are bringing in in September. I wanted to provide that reassurance.

New clauses 25 and 26 were introduced by my right hon. Friend the Member for Chelmsford (Vicky Ford), who I cannot see, but I am sure—

Dame Karen Bradley (Staffordshire Moorlands) (Con): She has just popped out.

Laura Farris: She has just popped out. She made an outstanding speech, which illuminated and identified yet more of the nefarious ways that child abusers find to conduct some of the most serious offences against children. She knows, as was clear in her constructive speech, that artificial intelligence raises unique problems. I agree without hesitation with the force of what she said, and about the identification of an offence as she has presented it. I recognise that it is our duty as parliamentarians to future-proof our legislation, and I thank her for her detailed work on this issue. I commit to working with her and to trying as best we can to get something ready for Report in the other place.

I pay tribute to my hon. Friend the Member for Carshalton and Wallington (Elliot Colburn) for the sensitive and thoughtful way in which he approached the Law Commission's report and the issue of hate crimes, and for his new clause 32 to introduce protected characteristics to the Crime and Disorder Act 1998. Of course, I have read the Law Commission's excellent report on this matter, and I can confirm that a response to it was always forthcoming this year. I want to make two slight qualifications that might explain some of the delay.

Many Members will be aware that the Law Commission did not recommend making sex a protected characteristic for hate crimes, and may remember that there was a campaign to make misogyny a hate crime, which the commission rejected. That required careful thought, because not all the protected characteristics have been treated in the same way. Another issue is the implementation of the hate crime legislation in Scotland, which has been both highly contentious and, I am afraid, somewhat chaotic. Of course, we wish to avoid replicating those mistakes. However, I want to provide reassurance by saying that our intention is to deal with this matter—subject to all the normal approvals—in the House of Lords, and I hope that my hon. Friend the Member for Carshalton and Wallington will come and work with me on it.

The other excellent speech that I want to refer to was that of my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes). She alighted on two important issues—cyber-flashing and intimate image abuse—that are not on the priority offences list in schedule 7 to the Online Safety Act 2023. That is not because we did not consider them important or sinister offences—she will need no persuading, given everything that we have done on intimate image abuse, that the opposite is true. The fact is that they were not on the statute book, or certainly had not been commenced, when we passed the 2023 Act. I know that the Secretary of State is well aware of that, particularly in relation to both those issues. I know that my right hon. Friend is conducting an urgent review as we speak, and I am sure that, in the weeks ahead, I will be able to update her on where we are on this. I do not want her to think for a moment that we are dragging our feet.

Caroline Nokes: I appreciate that my hon. Friend is seeking to give me an assurance from the Dispatch Box, but it is perhaps not quite as fulsome as I would wish.

She says that the priority offences register can be reviewed. It would be very helpful if we had a specific timescale by which the measures could be added. That would give reassurance to all victims that such images will be made illegal in their own right, and that Ofcom and internet service providers will work together to take them down. We already have the criminal offence, so the perpetrators can go to prison, but the victims want the images—the repeat offence—to be removed from the internet.

Laura Farris: I listened very carefully to what my right hon. Friend said, and I agree with every single word of it. Some of this sits with the Department for Science, Innovation and Technology, as she knows, so I would need to have a conversation with the relevant Minister, but I feel as strongly as she does on this matter, and I assure her from the Dispatch Box that I will use my best endeavours.

The road traffic amendments, which I will talk about briefly, were beautifully presented during the Committee and again today. I have spoken a few times with the Members who tabled them, who are well aware that those matters sit with the Department for Transport. I understand that they have had engagement with the Department and that an important review of this issue has certainly been contemplated.

Vicky Ford: I apologise to my hon. Friend—I was briefly out of the Chamber, discussing my amendments with the Home Secretary. It is clear that AI technology is moving incredibly quickly in a vile, disgusting way that is putting children at risk of sexual abuse. Could my hon. Friend repeat the commitment she has given: that she will work with me on the two areas that my amendments have highlighted, and will work with me, the IWF and others to ensure that the issues we have pinpointed are addressed as the Bill goes through this House and the Lords?

Laura Farris: I thank my right hon. Friend for her intervention, and I am sorry that we somehow did not manage to overlap when I made my comments about her. I thought her speech was outstanding, and I agree without hesitation: she is quite right to say that we need to future-proof our legislation. As I said, I think we are the first country—if not, we are one of the first—to put an offence on to the books relating to the creation of deepfakes, which shows that we are alive and very responsive to this issue. I will make the commitments that my right hon. Friend has requested.

Vicky Ford: To be clear, is the Minister giving a cast-iron guarantee that we will address these issues of paedophile manuals and using a chatbot to communicate sexually, including raping a child through a chatbot, by working with the IWF and others to ensure that the laws are clear, and that if necessary, there will be amendments in the Lords?

Laura Farris: Yes, I can give my right hon. Friend that commitment.

I was interrupted, but I was briefly paying tribute to the very passionate speeches that have been made about road traffic accidents. These are not small matters—the case of the little girl in the constituency of the hon. Member for Merthyr Tydfil and Rhymney (Gerald Jones) is such a painful one, and I know that the Transport Secretary and other Ministers have been very affected

by it. As the hon. Member knows, this matter is not straightforward for reasons that we have discussed, but I hope progress will be made on it in a way that helps his constituent.

My right hon. Friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith) made an excellent speech on the offence of causing death or serious injury by dangerous, careless or inconsiderate cycling. It is not in dispute that whether a vehicle is a car, an electric scooter or a bicycle, if it is operated in a certain way, it is effectively a dangerous weapon on the road. We are supportive of my right hon. Friend's amendment, and we will be bringing it back in the Lords; we will be changing it in the Lords, as he knows, but we are accepting it.

I think I have covered all the amendments that have been selected.

Sir Iain Duncan Smith: I assume that my hon. Friend meant that she will accept the amendment when I move it.

Laura Farris: Yes, I did mean that.

The final amendments that I will speak to are new clauses 91 and 92, relating to a new criminal sanction on water companies.

Philip Dunne (Ludlow) (Con): Everyone in this House wants to ensure that our water regulators have at their disposal all the tools they need to get on top of the sewage discharge issue, but as the Minister sums up, could she explain to the House whether Ofwat already has the powers being sought in the amendments tabled by the hon. Member for Westmorland and Lonsdale (Tim Farron)? If the same powers were given to the Environment Agency, that would be more likely to lead to confusion and a lack of clarity about which agency is taking the lead on such prosecutions, which might lead to prosecutions falling through the cracks.

Laura Farris: My right hon. Friend is quite correct: that is the basis on which the Government cannot accept the amendments. Of course, everybody agrees that water companies should be punished as robustly as possible, but it is also the case that we have pre-existing offences that apply. Pollution incidents are already the subject of criminal sanctions available to the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016, and there is a serious risk of duplication, not least because—I hope the hon. Member for Westmorland and Lonsdale (Tim Farron) will not mind my saying this—the sanctions he has included in his amendments are just more fines, and we already have a fines regime.

Let me set out very briefly the basis on which, in a principled way, we are saying no to the amendments. As the environment regulator, the Environment Agency can and does prosecute company directors and other senior officers under the relevant regulations. It has a power to fine, and there can be convictions for polluting rivers and coastal waters, where it can be proved that the offence has been committed. Expanding criminal liability would simply create a repetition of the existing powers. It is the Government's view that the amendments would create a dangerous and unacceptable risk of double jeopardy across the two regulatory regimes that are administered by Ofwat and the Environment Agency.

[*Laura Farris*]

The amendments would simply duplicate the existing sanctions, as my right hon. Friend the Member for Ludlow (Philip Dunne) put it, for not meeting performance commitments. More seriously, they could undermine the robustness of the Environment Agency's criminal sanction regime. On that basis, I hope the hon. Member for Westmorland and Lonsdale will understand why we do not want to see duplication in an area where there is already the capacity to prosecute, a criminal law regime and the sanction of fines, which is everything that his amendments seek.

Jess Phillips: I fear the Minister is coming to the end of her remarks, but she has not addressed my new clause 44. Does she have any comment on it?

Laura Farris: I thank the hon. Lady for reminding me, but I had not forgotten. I listened carefully to her speech and I have read all her amendments, not all of which were selected, but some of which she has raised before. On the general defence, she will know that the Law Commission is currently undertaking a review of the defence of duress in relation to women and the crime—

Jess Phillips: It is not that amendment.

Laura Farris: I know that the amendment has not been selected, but I want to provide the hon. Lady with some reassurance on it, because we on this side of the House continue to think about the issues she has raised. She is aware of the Law Commission's review of the defence of duress as it applies to murder. I want to provide her with an update and some reassurance that we will take the lessons that come out of that review, and consider it more widely, if appropriate, in alignment with the point that I think she made earlier in this debate.

On new clause 44, this is an important point between us, but the Government are resisting it not because there is any real dispute of principle, but because there is dispute of degree. There is a concern that by amending the wordings of sections 52 and 53 of the Sexual Offences Act, as so drafted, we could unnecessarily narrow the scope of section 52 as it has been applied in the criminal courts and potentially add an additional element to be proved in relation to section 53 that could make prosecution harder. We disagree not on the principle but about whether it will have the effect she is looking for. I did listen carefully to her speech and the way that she has presented the argument on previous occasions.

Richard Graham: The safeguarding Minister will have been briefed by my right hon. Friend the Minister for Crime, Policing and Fire on the exchanges across the House on the key issue of spiking, which will make its first ever appearance in legislation if the Bill is passed. I asked specific questions, which I would be grateful if she returned to. Although my amendments will not be pursued, it would be reassuring for everyone in the country if she said that the spiking clauses now injected will cover attempts to spike as well as proven spiking, and will apply to spiking attempts that may not be considered harmful in substance but are incredibly harmful to the people they humiliate.

Laura Farris: Yes, I can confirm that those inchoate offences—attempt offences—are all captured in the 1981 Act to which I referred in my opening speech.

On whether naming the offence of spiking will improve police record keeping, I say to my hon. Friend that it will absolutely do that. It will remove the discrepancy between what might have been called date rape under the Sexual Offences Act and what would have been recorded previously as a poisoning act under the Offences against the Person Act. For consistency in recording, we are very pleased to make the change.

Richard Graham: I thank the Minister for giving way again. On that specific point, she is effectively saying that the data collected by the police will now be collected under the umbrella of spiking, so we will have much better data and know how widespread the problem really is, which I think everyone will be reassured to hear. May I also thank her, the Home Secretary and the Justice Secretary for their fantastic and immediate support in getting this provision into the Bill, which I very much hope will pass through this Parliament before the next general election?

Laura Farris: It is not just the effect of the amendment that will improve police recording; one purpose of the amendment was to improve police recording and it will give, I hope, a much more accurate picture of the extent of the problem.

On the comments that my right hon. Friend the Member for Basingstoke (Dame Maria Miller) made regarding the creation offence related to deepfake images and intent, I will consider the point carefully. I would like to have further discussions on it.

Dame Maria Miller: I hope the Minister was listening to the Chair of the Justice Committee, who wholeheartedly agreed with the point I was making, namely that it would be entirely consistent with the sex offences law to remove intent from that measure and simply focus on consent. That is what we need to hear, and I hope the Minister will now agree at the Dispatch Box that she will consider that strongly.

Laura Farris: I certainly give my right hon. Friend that reassurance. I look forward to continuing our discussions throughout the passage of the Bill.

Question put and agreed to.

New clause 86 accordingly read a Second time and added to the Bill.

New Clause 62

SEXUAL ACTIVITY WITH A CORPSE

(1) In the Sexual Offences Act 2003 for section 70 substitute—
“70 *Sexual activity with a corpse*

- (1) A person commits an offence if—
 - (a) the person intentionally performs an act of touching (with a part of their body or anything else),
 - (b) what is touched is a part of the body of a dead person,
 - (c) the person knows that, or is reckless as to whether, that is what is touched, and
 - (d) the touching is sexual.
- (2) A person who commits an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

- (b) on conviction on indictment, to imprisonment for a term not exceeding—
 - (i) if the touching involved penetration of a part of the body mentioned in subsection (1)(b), 7 years;
 - (ii) otherwise, 5 years.”

(2) In consequence of the amendment made by subsection (1), in the following provisions for “sexual penetration of” substitute “sexual activity with”—

paragraph 152 of Schedule 15 to the Criminal Justice Act 2003;

paragraph 35 of Schedule 3 to the Sexual Offences Act 2003;

paragraph 33 of Schedule 4 to the Modern Slavery Act 2015;

paragraph 38(ba) of Schedule 18 to the Sentencing Code.”—*(Laura Farris.)*

This new clause replaces the offence under section 70 of the Sexual Offences Act 2003 with an offence that covers any intentional touching of a corpse that is sexual, and increases the maximum sentence of imprisonment for an offence involving penetration to 7 years and in other cases to 5 years. It is proposed to add the new clause after clause 15.

Brought up, read the First and Second time, and added to the Bill.

New Clause 87

MANSLAUGHTER: SEXUAL CONDUCT AGGRAVATING FACTOR

“(1) In Chapter 3 of Part 4 of the Sentencing Code (seriousness and determining sentence), after section 72 insert—

“72A *Manslaughter involving sexual conduct*

- (1) In considering the seriousness of an offence of manslaughter involving sexual conduct, the court must—
 - (a) treat the fact that the offence involves sexual conduct as an aggravating factor, and
 - (b) state in open court that the offence is so aggravated.
- (2) This section has effect in relation to a person who is convicted of an offence on or after the date on which section (Manslaughter: sexual conduct aggravating factor) of the Criminal Justice Act 2024 comes into force.”

(2) In section 238 of the Armed Forces Act 2006 (deciding the seriousness of an offence), after subsection (8) (inserted by section 23) insert—

“(9) In section 72A of the Sentencing Code (manslaughter involving sexual conduct)—

- (a) the reference to an offence of manslaughter is to be read as including a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is manslaughter, and

(b) the references to a court are to be read as including a court dealing with an offender for a service offence.”—*(Laura Farris.)*

This new clause makes the fact that an offence of manslaughter involves sexual conduct an aggravating factor (as well as making the same provision as regards the corresponding service offence.

Brought up, read the First and Second time, and added to the Bill.

New Clause 88

LENGTH OF TERRORISM SENTENCE WITH FIXED LICENCE PERIOD: NORTHERN IRELAND

“(1) In Article 7 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))—

- (a) in paragraph (2) omit “Articles 13A, 14 and 15A and”;
- (b) in paragraph (3) before sub-paragraph (a) insert—
“(za) Articles 13A and 14 of this Order;”.

(2) The amendments made by this section apply in relation to convictions occurring on or after the day on which this section comes into force.”—*(Laura Farris.)*

This new clause results in Article 7(2) of the Criminal Justice (Northern Ireland) Order 2008 (requirement that term of sentence is commensurate with seriousness) applying to a sentence under Article 15A of that Order (terrorism sentence with fixed licence period).

Brought up, read the First and Second time, and added to the Bill.

New Clause 89

REVIEWS OF SENTENCING: TIME LIMITS

“(1) Schedule 3 to the Criminal Justice Act 1988 (reviews of sentencing - supplementary) is amended as follows.

(2) In paragraph 1 (time limit for notice of application for leave to refer a case)—

- (a) the existing provision becomes sub-paragraph (1) of that paragraph;
- (b) at the end of that sub-paragraph insert “(“the relevant period”); but in England and Wales this is subject to sub-paragraph (2).”;
- (c) after that sub-paragraph insert—

“(2) Where—

- (a) the Attorney General receives a request to review the sentencing of a person, and
- (b) the request is received in the last 14 days of the relevant period,

notice of an application for leave to refer the case in question to the Court of Appeal under section 36 may be given within 14 days from the day on which the request is received.

(3) For the purposes of this Part, a certificate of the Attorney General as to the date on which a request to review the sentencing of a person was received is conclusive evidence of that fact.

(4) Where more than one request to review the sentencing of a person is received, references in sub-paragraphs (2) and (3) to a request are to the first request that is received.”

(3) In paragraph 12 (application of Schedule to Northern Ireland), after paragraph (d) insert—

“(da) paragraph 1 has effect as if sub-paragraphs (2) to (4) were omitted;”.—*(Laura Farris.)*

This new clause provides that where the Attorney General receives a request to review a person's sentence in the last 14 days of the current period for giving any notice of application for leave to refer the case to the Court of Appeal, the Attorney General may give such notice within 14 days from the date the request is received.

Brought up, read the First and Second time, and added to the Bill.

New Clause 94

CUCKOOING

“(1) A person commits an offence if they—

- (a) exercise control over the dwelling of another person, and
- (b) do so for the purpose of enabling the dwelling to be used in connection with the commission (by any person) of one or more offences listed in Schedule (Cuckooing: specified offences).

(2) It is a defence for a person charged with an offence under this section to prove that the person mentioned in subsection (1)(a) consented to the exercise of control for the purpose mentioned in subsection (1)(b).

(3) Section (Cuckooing: interpretation) contains provisions about the interpretation of this section.

(4) The Secretary of State may by regulations amend Schedule (Cuckooing: specified offences).

(5) A person who commits an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).”—
(*Laura Farris.*)

This clause, together with NC95 and NS4, create an offence of exercising control over another person's dwelling, for the purpose of enabling it to be used in connection with the commission of certain offences.

Brought up, read the First and Second time, and added to the Bill.

New Clause 95

CUCKOOING: INTERPRETATION

“(1) This section supplements section (*Cuckooing*).

(2) A reference to “the dwelling of a person” is to any structure or part of a structure occupied by the person as their home or other living accommodation (whether the occupation is separate or shared with others), together with any yard, garden, grounds, garage or outhouse belonging to it or used with it.

(3) In subsection (2) “structure” includes a tent, caravan, vehicle, vessel or other temporary or movable structure.

(4) The circumstances in which a person “exercises control over the dwelling of another person” (B) include circumstances where the person exercises control (whether temporarily or permanently) over any of the following—

- (a) who is able to enter, leave, occupy or otherwise use the dwelling or part of the dwelling;
- (b) the delivery of things to, or the collection of things from, the dwelling;
- (c) the way in which, or the purposes for which, the dwelling or part of the dwelling is used;
- (d) the ability of B to use the dwelling or part of the dwelling for B's own purposes.

(5) For the purposes of section (*Cuckooing*)(2), a person is regarded as “consenting” to the exercise of control for the purpose mentioned in section (*Cuckooing*)(1)(b) only if—

- (a) they are aged 18 or over,
- (b) they have capacity (within the meaning of the Mental Capacity Act 2005) to give consent to the exercise of control for that purpose,
- (c) they are given sufficient information to enable them to make an informed decision about whether to consent,
- (d) they give consent freely, and
- (e) the consent is not withdrawn.”—(*Laura Farris.*)

See the statement for NC94.

Brought up, read the First and Second time, and added to the Bill.

New Clause 103

RESTRICTING PARENTAL RESPONSIBILITY WHEN SENTENCING FOR RAPE OF A CHILD

“(1) The Children Act 1989 is amended in accordance with subsections (2) to (5).

(2) In section 10A (inserted by section (*Restricting parental responsibility where one parent kills the other*)(3) of the Victims and Prisoners Act 2024)—

- (a) for subsection (1) substitute—

“(1) This section applies where the Crown Court is sentencing—

- (a) a person (“the offender”) who is a parent with parental responsibility for a child (“the child”) for the murder or, in the circumstances mentioned in subsection (2), manslaughter of the child's other parent;
- (b) a person (“the offender”) who has parental responsibility for a child (“the child”) for an offence under section 1 of the Sexual Offences Act 2003 (rape) against a child or under section 5 of that Act (rape of a child under 13).”;

(b) in subsection (3), for “when sentencing the offender” substitute “with respect to the child”;

(c) in subsection (5)(b), for “offender is convicted of manslaughter” substitute “Crown Court is sentencing the offender for manslaughter”;

(d) in subsection (7), for “murder or manslaughter” substitute “offence”;

(e) after subsection (9) insert—

“(10) In subsection (1) “sentencing” is to be read in accordance with the Sentencing Code (see section 401 of the Code).”

(3) In section 10B (inserted by section (*Restricting parental responsibility where one parent kills the other*)(3) of the Victims and Prisoners Act 2024)—

(a) in subsection (1), for “parent” substitute “person”;

(b) in subsection (3)(b), for “parent is acquitted on appeal of the murder or manslaughter” substitute “person is acquitted on appeal of the offence”.

(4) In section 33(3A) (inserted by section (*Restricting parental responsibility where one parent kills the other*)(5) of the Victims and Prisoners Act 2024), in both places, for “parent” substitute “person”.

(5) In section 91—

(a) in subsection (5B) (inserted by section (*Restricting parental responsibility where one parent kills the other*)(6)(b) of the Victims and Prisoners Act 2024)—

(i) in paragraph (a), for “parent (“P”) with respect to a child (“C”)” substitute “person with respect to a child”;

(ii) in paragraph (b), for “P with respect to C” substitute “the person with respect to the child”;

(b) in subsection (5C) (inserted by section (*Restricting parental responsibility where one parent kills the other*)(6)(b) of the Victims and Prisoners Act 2024), for “P with respect to C” substitute “the person with respect to the child”.

(6) In section 379 of the Sentencing Act 2020 (other behaviour orders etc), after subsection (1) insert—

“(1A) See section 10A(1) of the Children Act 1989 for circumstances in which the Crown Court may be required to make a prohibited steps order when dealing with an offender for murder, manslaughter or the rape of a child.”—(*Laura Farris.*)

This new clause expands the circumstances in which the Crown Court must make a prohibited steps order under section 10A of the Children Act 1989 (inserted by the Victims and Prisoners Bill) to cases where a person with parental responsibility is convicted of the rape of a child.

Brought up, read the First and Second time, and added to the Bill.

New Clause 104

REPORT ON DUTY TO MAKE PROHIBITED STEPS ORDERS AND POWER TO REPEAL

“(1) As soon as reasonably practicable after the end of the period of three years beginning with the day on which section (*Restricting parental responsibility when sentencing for rape of a child*) comes into force, the Secretary of State must—

- (a) prepare a report on the operation of sections 10A and 10B of the Children Act 1989 (duty on Crown Court to make prohibited steps order) during the period, and
- (b) publish the report and lay it before Parliament.
- (2) The Secretary of State may by regulations repeal either—
 - (a) section 10A(1)(b) of the Children Act 1989, or
 - (b) sections 10A and 10B of that Act.
- (3) But regulations under subsection (2) may only be made during the period of 6 months beginning with the day on which the report under subsection (1) was laid before Parliament.
- (4) The consequential provision which may be made by regulations under subsection (2) by virtue of section 86(1)(a) includes provision amending or repealing any provision made by an Act of Parliament or an Act or Measure of Senedd Cymru.” —(*Laura Farris.*)

This new clause requires the Secretary of State to prepare a report on the operation of sections 10A and 10B of the Children Act 1989 and confers the power to repeal those sections or their application to cases involving rape of a child (whether because of the report or otherwise).

Brought up, read the First and Second time, and added to the Bill.

New Clause 44

SEXUAL EXPLOITATION OF AN ADULT

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) Section 52 is amended as follows—
 - (a) in the title for “Causing or inciting prostitution” substitute “Sexual exploitation”, and
 - (b) in paragraph (1)(a) for “causes or incites another person to become a prostitute” substitute “sexually exploits another person”.
- (3) Section 53 is amended as follows—
 - (a) in the title for “prostitution” substitute “sexual exploitation”, and
 - (b) in paragraph (1)(a) for “prostitution” substitute “sexual exploitation”.
- (4) Section 54 is amended as follows—
 - (a) in subsection (2) for “sections 51A, 52, 53 and 53A” substitute “section 53A”, and
 - (b) at end insert—
 - “(4) In sections 52 and 53 “sexual exploitation” means conduct by which a person manipulates, deceives, coerces or controls another person to undertake sexual activity.”.—(*Jess Phillips.*)

An amendment to the Sexual Offences Act 2003, specifically in sections 52 and 53, replace “prostitution for gain” with “sexual exploitation of an adult”.

Brought up, and read the First time.

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

The House divided: Ayes 167, Noes 275.

Division No. 151]

[6.31 pm

AYES

Abbott, rh Ms Diane (<i>Proxy vote cast by Bell Ribeiro-Addy</i>)	Barker, Paula
Abrahams, Debbie	Beckett, rh Dame Margaret
Ali, Rushanara	Begum, Apsana
Ali, Tahir	Benn, rh Hilary
Amesbury, Mike	Betts, Mr Clive
Anderson, Fleur	Blake, Olivia
Antoniazzi, Tonia	Blomfield, Paul
Ashworth, rh Jonathan	Bradshaw, rh Mr Ben
	Brennan, Kevin
	Brown, Ms Lyn

Brown, rh Mr Nicholas	Lake, Ben
Burgon, Richard	Leadbeater, Kim
Butler, Dawn	Lewell-Buck, Mrs Emma
Byrne, Ian	Lewis, Clive
Cadbury, Ruth	Long Bailey, Rebecca
Campbell, rh Sir Alan	Lucas, Caroline
Carmichael, rh Mr Alistair	Lynch, Holly
Champion, Sarah	Madders, Justin
Charalambous, Bambos	Mahmood, Mr Khalid
Cooper, Daisy	Mahmood, Shabana
Cooper, rh Yvette	Malhotra, Seema
Coyle, Neil	Mather, Keir
Creasy, Stella	McCabe, Steve
Cruddas, Jon	McCarthy, Kerry
Cryer, John	McFadden, rh Mr Pat
Cummins, Judith	McGovern, Alison
Cunningham, Alex	McKinnell, Catherine
Daby, Janet	McMahon, Jim
Dalton, Ashley	McMorris, Anna
David, Wayne	Moran, Layla (<i>Proxy vote cast by Tim Farron</i>)
Davies-Jones, Alex	Morden, Jessica
De Cordova, Marsha	Morgan, Helen
Dixon, Samantha	Morgan, Stephen
Dodds, Anneliese	Morris, Grahame
Doughty, Stephen	Murray, James
Dowd, Peter	Norris, Alex
Duffield, Rosie	Onwurah, Chi
Dyke, Sarah	Oppong-Asare, Abena
Eagle, Dame Angela	Osamor, Kate
Eagle, rh Maria	Osborne, Kate
Eastwood, Colum	Owatemi, Taiwo (<i>Proxy vote cast by Chris Elmore</i>)
Edwards, Jonathan	Pennycook, Matthew
Efford, Clive	Perkins, Mr Toby
Egan, Damien	Phillips, Jess
Elmore, Chris	Pollard, Luke
Elphicke, Mrs Natalie	Poulter, Dr Dan
Eshalomi, Florence	Powell, Lucy
Esterson, Bill	Rayner, rh Angela
Evans, Chris	Reed, Steve
Farron, Tim	Rees, Christina
Farry, Stephen	Reeves, Ellie
Fletcher, Colleen	Ribeiro-Addy, Bell
Fovargue, Yvonne	Rimmer, Ms Marie
Foxcroft, Vicky	Russell-Moyle, Lloyd
Furniss, Gill	Saville Roberts, rh Liz
Gardiner, Barry	Shah, Naz
Green, Sarah	Shanks, Michael
Greenwood, Margaret	Shannon, Jim
Griffith, Dame Nia	Sharma, Mr Virendra
Haigh, Louise	Smith, Cat
Hamilton, Fabian	Smith, Jeff
Hardy, Emma	Smith, Nick
Harman, rh Ms Harriet (<i>Proxy vote cast by Chris Elmore</i>)	Smyth, Karin (<i>Proxy vote cast by Gerald Jones</i>)
Harris, Carolyn	Sobel, Alex
Hayes, Helen	Spellar, rh John
Hobhouse, Wera	Stevens, Jo
Hodgson, Mrs Sharon	Strathern, Alistair
Hollern, Kate	Stringer, Graham
Hopkins, Rachel	Sultana, Zarah
Howarth, rh Sir George	Tami, rh Mark
Hussain, Imran	Tarry, Sam
Jardine, Christine	Thomas, Gareth
Jarvis, Dan	Thomas-Symonds, rh Nick
Johnson, rh Dame Diana	Timms, rh Sir Stephen
Johnson, Kim	Twigg, Derek
Jones, Gerald	Twist, Liz
Jones, Ruth	Vaz, rh Valerie
Kane, Mike	Webb, Chris
Khan, Afzal	Webbe, Claudia
Kinnock, Stephen	
Kyle, Peter	

West, Catherine
 Western, Andrew
 Western, Matt
 Whitehead, Dr Alan
 Whitley, Mick (*Proxy vote cast by Grahame Morris*)
 Wilson, Munira

Winter, Beth
 Yasin, Mohammad
 Zeichner, Daniel
Tellers for the Ayes:
Christian Wakeford and
Mary Glindon

NOES

Afolami, Bim
 Afriyie, Adam
 Aiken, Nickie
 Aldous, Peter
 Anderson, Stuart (*Proxy vote cast by Mr Marcus Jones*)
 Ansell, Caroline
 Argar, rh Edward
 Atherton, Sarah
 Bacon, Gareth
 Bacon, Mr Richard
 Badenoch, rh Kemi
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, rh Mr Steve
 Baldwin, Dame Harriett
 Barclay, rh Steve
 Baron, Mr John
 Baynes, Simon
 Bell, Aaron
 Beresford, Sir Paul
 Berry, rh Sir Jake
 Bhatti, Saqib
 Blackman, Bob
 Bradley, rh Dame Karen
 Braverman, rh Suella
 Brereton, Jack
 Bridgen, Andrew
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Burns, rh Sir Conor
 Butler, Rob
 Cameron, Dr Lisa
 Cartlidge, James
 Cash, Sir William
 Cates, Miriam
 Chalk, rh Alex
 Chishti, Rehman
 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
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, rh Claire
 Cox, rh Sir Geoffrey
 Crosbie, Virginia
 Crouch, Dame Tracey
 Daly, James
 Davies, rh David T. C.
 Davies, Mims

Davies, Sir Philip
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, rh Michelle
 Double, Steve
 Drax, Richard
 Drummond, Mrs Flick
 Duguid, David (*Proxy vote cast by Mr Marcus Jones*)
 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
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Fox, rh Sir Liam
 Frazer, rh Lucy
 Freeman, George
 French, Mr Louie
 Fuller, Richard
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 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
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heapey, rh James
 Heaton-Harris, rh Chris
 Henderson, Gordon
 Henry, Darren

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
 Hunt, Tom
 Jack, rh Mr Alister
 Jayawardena, rh Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenrick, rh Robert
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, rh Mr Marcus
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, rh Gillian
 Knight, rh Sir Greg
 Kniveton, Kate
 Kruger, Danny
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Sir Brandon
 Lewis, rh Sir Julian
 Liddell-Grainger, Mr Ian
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig (*Proxy vote cast by Sir John Redwood*)
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mann, Scott
 May, rh Mrs Theresa
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Karl
 McVey, rh Esther
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Dame Maria
 Milling, rh Dame Amanda
 Mills, Nigel
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, James
 Morrissey, Joy

Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 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
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, rh Chris
 Pow, Rebecca
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, rh Sir Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh Sir John
 Rees-Mogg, rh Sir Jacob
 Richards, Nicola
 Richardson, Angela
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shapps, rh Grant
 Simmonds, David
 Smith, rh Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Spencer, rh Sir Mark
 Stephenson, rh Andrew
 Stevenson, John
 Stewart, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, rh Graham
 Sturdy, Julian
 Swayne, rh Sir Desmond
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, rh Kelly
 Tomlinson, Justin
 Tomlinson, rh 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

Warman, Matt
Watling, Giles
Webb, Suzanne
Whately, Helen
Wheeler, Mrs Heather
Wiggin, Sir Bill
Wild, James

Williams, rh Craig
Williamson, rh Sir Gavin
Young, Jacob
Zahawi, rh Nadhim
Tellers for the Noes:
Mike Wood and
Amanda Solloway

Question accordingly negated.

New Clause 57

OFFENCE OF CAUSING DEATH OR SERIOUS INJURY BY DANGEROUS, CARELESS OR INCONSIDERATE CYCLING

“(1) The Road Traffic Act 1988 is amended as follows.

(2) Before section 28 (dangerous cycling) insert—

27A Causing death by dangerous cycling

A person who causes the death of another person by riding a cycle dangerously (as defined in section 28) on a road or other public place is guilty of an offence.

27B Causing serious injury by dangerous cycling

(1) A person who causes serious injury to another person by riding a cycle dangerously (as defined in section 28) on a road or other public place is guilty of an offence.

(2) In this section “serious injury means—

- (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
- (b) in Scotland, severe physical injury.

27C Causing death by careless or inconsiderate cycling

A person who causes the death of another person by riding a cycle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.”

(3) In section 28 (dangerous cycling), after subsection (3) insert—

“(4) For the purposes of subsection (2), what would be expected of a competent and careful cyclist includes that their cycle is equipped and maintained in accordance with regulations made under section 81 of this Act.”

(4) After section 32 (electrically assisted pedal cycles), insert—

“32A Interpretation of sections 27A to 32

(1) For the purposes of sections 27A to 32 of this Act, “a cycle” includes but is not limited to—

- (a) a pedal cycle,
- (b) an electrically assisted pedal cycle, and
- (c) a mechanically propelled personal transporter, including—
 - (i) an electric scooter,
 - (ii) a self-balancing personal transporter (including a self-balancing scooter, self-balancing board or electric unicycle), and
 - (iii) any other mechanically propelled personal transporter provided for by the Secretary of State in regulations made under this section.

(2) For the purposes of subsection (1)(c), mechanically propelled personal transporters are to be defined in regulations made by the Secretary of State under this section.”

(5) The Road Traffic Offenders Act 1988 is amended as follows.

(6) In the table in Part 1 of Schedule 2, after the row beginning “RTA section 27” insert in columns 1 to 4—

“RTA Section 27A	Causing death by dangerous cycling.	On indictment.	14 years.
RTA Section 27B	Causing serious injury by dangerous cycling.	(a) Summarily. (b) On indictment.	(a) 12 months or the statutory maximum or both. (b) 5 years of a fine or both.
RTA Section 27C	Causing death by careless of inconsiderate cycling.	(a) Summarily. (b) On indictment.	(a) 12 months (in England and Wales) or 6 months (in Scotland) or the statutory maximum or both. (b) 5 years or a fine or both.”

Brought up, read the First and Second time, and added to the Bill.

New Clause 59

BAN ON “NINJA SWORDS”

“(1) The Secretary of State must exercise their powers under section 141(2) of the Criminal Justice Act 1988 to amend the Schedule to the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 as follows.

(2) In paragraph 1, after sub-paragraph (t) insert—

“(u) the weapon sometimes known as a “ninja sword”, “katana” or “ninjato”, being a single-edged straight blade of up to 60cm in length with a long hilt or guard”.

(3) Regulations laid under subsection (1) must—

- (a) be laid within six months of the date of Royal Assent to this Act,
- (b) be laid following consultation on the definitions of possession for sporting use and possession of antiques, and
- (c) include, subject to the results of the consultation under subsection (3)(b), exemptions for sporting use and for possession of antiques.”—(*Alex Cunningham.*)

Brought up, and read the First time.

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

The House divided: Ayes 171, Noes 272.

Division No. 152]

[6.48 pm

AYES

Abbott, rh Ms Diane (*Proxy vote cast by Bell Ribeiro-Addy*)
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Amesbury, Mike
Anderson, Fleur
Antoniazzi, Tonia
Ashworth, rh Jonathan
Barker, Paula
Beckett, rh Dame Margaret
Begum, Apsana
Benn, rh Hilary

Betts, Mr Clive
Blake, Olivia
Blomfield, Paul
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Ms Lyn
Brown, rh Mr Nicholas
Burgon, Richard
Butler, Dawn
Byrne, Ian
Cadbury, Ruth
Campbell, rh Sir Alan
Carmichael, rh Mr Alistair
Champion, Sarah

Charalambous, Bambos
 Cooper, Daisy
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Coyle, Neil
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Dalton, Ashley
 David, Wayne
 Davies-Jones, Alex
 De Cordova, Marsha
 Dixon, Samantha
 Dodds, Anneliese
 Doughty, Stephen
 Dowd, Peter
 Duffield, Rosie
 Dyke, Sarah
 Eagle, Dame Angela
 Eagle, rh Maria
 Eastwood, Colum
 Edwards, Jonathan
 Efford, Clive
 Egan, Damien
 Elmore, Chris
 Elphicke, Mrs Natalie
 Eshalomi, Florence
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Fletcher, Colleen
 Fovargue, Yvonne
 Foxcroft, Vicky
 Furniss, Gill
 Gardiner, Barry
 Greenwood, Margaret
 Griffith, Dame Nia
 Haigh, Louise
 Hamilton, Fabian
 Hardy, Emma
 Harman, rh Ms Harriet (*Proxy vote cast by Chris Elmore*)
 Harris, Carolyn
 Hobhouse, Wera
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Howarth, rh Sir George
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, rh Dame Diana
 Johnson, Kim
 Jones, Gerald
 Jones, Ruth
 Kane, Mike
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Leadbeater, Kim
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly

Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mather, Keir
 McCabe, Steve
 McCarthy, Kerry
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGovern, Alison
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Moran, Layla (*Proxy vote cast by Tim Farron*)
 Morden, Jessica
 Morgan, Helen
 Morgan, Stephen
 Morris, Grahame
 Murray, James
 Norris, Alex
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Osborne, Kate
 Owatemi, Taiwo (*Proxy vote cast by Chris Elmore*)
 Pennycook, Matthew
 Perkins, Mr Toby
 Phillips, Jess
 Pollard, Luke
 Poulter, Dr Dan
 Powell, Lucy
 Rayner, rh Angela
 Reed, Steve
 Rees, Christina
 Reeves, Ellie
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Shanks, Michael
 Shannon, Jim
 Sharma, Mr Virendra
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin (*Proxy vote cast by Gerald Jones*)
 Sobel, Alex
 Spellar, rh John
 Stevens, Jo
 Strathern, Alistair
 Stringer, Graham
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thomas, Gareth
 Thomas-Symonds, rh Nick
 Timms, rh Sir Stephen
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie
 Webb, Chris
 Webbe, Claudia
 West, Catherine
 Western, Andrew
 Western, Matt
 Whitehead, Dr Alan

Whitley, Mick (*Proxy vote cast by Grahame Morris*)
 Whittome, Nadia
 Wilson, Munira
 Winter, Beth

Yasin, Mohammad
 Zeichner, Daniel
Tellers for the Ayes:
Christian Wakeford and
Mary Glindon

NOES

Afolami, Bim
 Afriyie, Adam
 Aiken, Nickie
 Aldous, Peter
 Anderson, Stuart (*Proxy vote cast by Mr Marcus Jones*)
 Ansell, Caroline
 Argar, rh Edward
 Atherton, Sarah
 Bacon, Gareth
 Bacon, Mr Richard
 Badenoch, rh Kemi
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, rh Mr Steve
 Baldwin, Dame Harriett
 Barclay, rh Steve
 Baron, Mr John
 Baynes, Simon
 Bell, Aaron
 Beresford, Sir Paul
 Berry, rh Sir Jake
 Bhatti, Saqib
 Blackman, Bob
 Bradley, rh Dame Karen
 Braverman, rh Suella
 Brereton, Jack
 Bridgen, Andrew
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Sir Robert
 Burns, rh Sir Conor
 Butler, Rob
 Cameron, Dr Lisa
 Cartlidge, James
 Cash, Sir William
 Cates, Miriam
 Chalk, rh Alex
 Chishti, Rehman
 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
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, rh Claire
 Crosbie, Virginia
 Crouch, Dame Tracey
 Daly, James
 Davies, rh David T. C.
 Davies, Mims
 Davies, Sir Philip
 Davison, Dehenna

Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, rh Michelle
 Double, Steve
 Doyle-Price, Dame Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duguid, David (*Proxy vote cast by Mr Marcus Jones*)
 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
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Fox, rh Sir Liam
 Frazer, rh Lucy
 Freeman, George
 Fuller, Richard
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 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
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heappey, rh James
 Heaton-Harris, rh Chris
 Henderson, Gordon
 Henry, Darren
 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
 Hunt, Tom
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Dame Andrea
 Jenrick, rh Robert
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, rh Mr Marcus
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, rh Gillian
 Knight, rh Sir Greg
 Kniveton, Kate
 Kruger, Danny
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 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 Sir John Redwood*)
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mann, Scott
 May, rh Mrs Theresa
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Karl
 McVey, rh Esther
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Dame Maria
 Milling, rh Dame Amanda
 Mills, Nigel
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, James
 Morrissey, Joy
 Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Murray, Mrs Sheryl

Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, rh Chris
 Pow, Rebecca
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, rh Sir Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh Sir John
 Rees-Mogg, rh Sir Jacob
 Richards, Nicola
 Richardson, Angela
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shapps, rh Grant
 Simmonds, David
 Smith, rh Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Spencer, rh Sir Mark
 Stephenson, rh Andrew
 Stevenson, John
 Stewart, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, rh Graham
 Sturdy, Julian
 Swayne, rh Sir Desmond
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, rh Kelly
 Tomlinson, Justin
 Tomlinson, rh Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Truss, rh Elizabeth
 Tuckwell, Steve
 Tugendhat, rh Tom
 Vara, rh Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Wiggin, Sir Bill
 Wild, James
 Williams, rh Craig

Williamson, rh Sir Gavin
 Young, Jacob
 Zahawi, rh Nadhim

Tellers for the Noes:
 Mike Wood and
 Amanda Solloway

Question accordingly negated.

New Clause 91

OFFENCE OF FAILING TO MEET POLLUTION PERFORMANCE COMMITMENT LEVELS

“(1) A water or water and sewerage company (“C”) commits an offence where C has—

- (a) failed to meet its pollution performance commitment level for three consecutive years; or
- (b) experienced an increase in—
 - (i) total pollution incidents per 10,000km², or
 - (ii) serious pollution incidents
 for three consecutive years.

(2) For the purposes of this section—

“water or water and sewerage company” means companies which are responsible for the provision of water, or water and sewerage, services and which are regulated by Ofwat and the Environment Agency;

“pollution performance commitment level” means the level of performance on pollution that the company has committed to deliver, and which is reported against by Ofwat in its annual water company performance report;

“total pollution incidents per 10,000km²” and “serious pollution incidents” mean the relevant figures under those headings reported by the Environment Agency in its annual environmental performance report.

(3) If guilty of an offence under this section, C is liable—

- (a) on summary conviction, to a fine;
- (b) on conviction on indictment, to a fine.”—(*Tim Farron.*)

Brought up, and read the First time.

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

The House divided: Ayes 17, Noes 268.

Division No. 153]

[7.2 pm

AYES

Carmichael, rh Mr Alistair
 Cooper, Daisy
 Dyke, Sarah
 Eastwood, Colum
 Edwards, Jonathan
 Farron, Tim
 Farry, Stephen
 Hobhouse, Wera
 Lake, Ben
 Lucas, Caroline

Moran, Layla (*Proxy vote cast by Tim Farron*)
 Morgan, Helen
 Olney, Sarah
 Saville Roberts, rh Liz
 Shannon, Jim
 Smith, rh Julian
 Wilson, Munira

Tellers for the Ayes:
 Christine Jardine and
 Sarah Green

NOES

Afolami, Bim
 Afriyie, Adam
 Aiken, Nickie
 Aldous, Peter
 Anderson, Stuart (*Proxy vote cast by Mr Marcus Jones*)
 Ansell, Caroline
 Argar, rh Edward
 Atherton, Sarah
 Bacon, Gareth
 Bacon, Mr Richard
 Badenoch, rh Kemi
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan

Baker, rh Mr Steve
 Baldwin, Dame Harriett
 Barclay, rh Steve
 Baron, Mr John
 Baynes, Simon
 Bell, Aaron
 Beresford, Sir Paul
 Berry, rh Sir Jake
 Bhatti, Saqib
 Blackman, Bob
 Bradley, rh Dame Karen
 Braverman, rh Suella
 Brereton, Jack
 Bridgen, Andrew
 Bristow, Paul

Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Sir Robert
 Burns, rh Sir Conor
 Butler, Rob
 Cameron, Dr Lisa
 Cartlidge, James
 Cates, Miriam
 Chalk, rh Alex
 Chishti, Rehman
 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
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Coutinho, rh Claire
 Crosbie, Virginia
 Daly, James
 Davies, rh David T. C.
 Davies, Mims
 Davies, Sir Philip
 Davison, Dehenna
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, rh Michelle
 Double, Steve
 Doyle-Price, Dame Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duguid, David (*Proxy vote cast by Mr Marcus Jones*)
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 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
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Fox, rh Sir Liam
 Frazer, rh Lucy
 Freeman, George
 French, Mr Louie
 Fuller, Richard
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 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
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heappey, rh James
 Heaton-Harris, rh Chris
 Henderson, Gordon
 Henry, Darren
 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
 Hunt, Tom
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Dame Andrea
 Jenrick, rh Robert
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, rh Mr Marcus
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, rh Gillian
 Knight, rh Sir Greg
 Kniveton, Kate
 Kruger, Danny
 Lamont, John
 Largan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Sir Brandon
 Lewis, rh Sir Julian
 Liddell-Grainger, Mr Ian
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Loughton, Tim
 Mackinlay, Craig (*Proxy vote cast by Sir John Redwood*)
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mann, Scott
 May, rh Mrs Theresa

Mayhew, Jerome
 Maynard, Paul
 McCartney, Karl
 McVey, rh Esther
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Dame Maria
 Milling, rh Dame Amanda
 Mills, Nigel
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, James
 Morrissey, Joy
 Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, rh Chris
 Pow, Rebecca
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, rh Sir Jeremy
 Randall, Tom
 Redwood, rh Sir John
 Rees-Mogg, rh Sir Jacob
 Richards, Nicola
 Richardson, Angela
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Simmonds, David
 Smith, rh Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Spencer, rh Sir Mark
 Stephenson, rh Andrew
 Stevenson, John
 Stewart, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, rh Graham
 Sturdy, Julian
 Swayne, rh Sir Desmond
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, rh Kelly
 Tomlinson, Justin
 Tomlinson, rh Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, rh Laura
 Truss, rh Elizabeth
 Tuckwell, Steve
 Tugendhat, rh Tom
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Wiggin, Sir Bill
 Wild, James
 Williams, rh Craig
 Williamson, rh Sir Gavin
 Young, Jacob
 Zahawi, rh Nadhim
Tellers for the Noes:
Mike Wood and
Amanda Solloway

Question accordingly negated.

New Schedule 4

CUCKOOING: SPECIFIED OFFENCES

- “1 An offence under section 33 or 33A of the Sexual Offences Act 1956 (keeping a brothel).
- 2 An offence under section 1 of the Restriction of Offensive Weapons Act 1959 (offences relating to flick knives and gravity knives).
- 3 An offence under any of the following provisions of the Firearms Act 1968—
 - (a) section 1(1) (possession etc of firearms or ammunition without certificate);
 - (b) section 2(1) (possession etc of shotgun without licence);
 - (c) section 3(1) (dealing etc in firearms or ammunition without being registered);
 - (d) section 5(1), (1A) or (2A) (possession, manufacture etc of prohibited weapons).
- 4 An offence under section 1 of the Theft Act 1968 (theft).

- 5 An offence under any of the following provisions of the Misuse of Drugs Act 1971—
- (a) section 4(2) or (3) (production and supply of controlled drugs);
 - (b) section 5(2) or (3) (possession of controlled drugs, including with intent to supply to another);
 - (c) section 6(2) (cultivation of cannabis plant).
- 6 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).
- 7 An offence under either of the following provisions of the Criminal Justice Act 1988—
- (a) section 141 (offensive weapons);
 - (b) section 160 (possession of indecent image of child).
- 8 An offence under any of the following provisions of the Sexual Offences Act 2003—
- (a) any of sections 1 to 15A (rape, sexual assault, child sex offences etc);
 - (b) any of sections 30 to 37 (offences against persons with mental disorder);
 - (c) any of sections 47 to 50 (sexual exploitation of children);
 - (d) any of sections 52 to 53A (offences relating to prostitution);
 - (e) section 61 (administering a substance with intent);
 - (f) any of sections 66 to 70 (exposure etc, offences relating to intimate images etc, voyeurism, intercourse with an animal, sexual penetration of a corpse).
- 9 An offence under any of the following provisions of the Fraud Act 2006—
- (a) section 1 (fraud);
 - (b) section 6 (possession etc of article for use in fraud);
 - (c) section 7 (making or supplying article for use in fraud).
- 10 An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic image).
- 11 An offence under section 62 of the Coroners and Justice Act 2009 (possession of prohibited image of child).
- 12 An offence under either of the following provisions of the Modern Slavery Act 2015—
- (a) section 1 (slavery, servitude or forced or compulsory labour);
 - (b) section 2 (human trafficking).
- 13 An offence under either of the following provisions of the Serious Crime Act 2015—
- (a) section 45 (participating in activities of organised crime group);
 - (b) section 69 (possession of paedophile manual).
- 14 An offence under any of the following provisions of the Psychoactive Substances Act 2016—
- (a) section 4 (producing psychoactive substance);
 - (b) section 5 (supplying etc psychoactive substance);
 - (c) section 7 (possession of psychoactive substance with intent to supply).
- 15 An offence under section 1 of this Act (possession etc of article for use in serious crime).
- 16 An inchoate offence (within the meaning of section 398(3) of the Sentencing Code) in relation to an offence mentioned in a preceding paragraph.”—
(*Laura Farris.*)

See the statement for new clause NC94.

Brought up, read the First and Second time, and added to the Bill.

Clause 13

ADMINISTERING ETC HARMFUL SUBSTANCES (INCLUDING BY SPIKING)

Amendments made: 142, page 10, line 37, after “conviction” insert “in England and Wales”.

This amendment and Amendments 143 to 147 extend the clause to Northern Ireland and make changes to the clause to cater for this extension.

Amendment 143, page 10, line 39, at end insert—

“(aa) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);”

See the statement for amendment 142.

Amendment 144, page 11, line 14, after “conviction” insert “in England and Wales”.

See the statement for amendment 142.

Amendment 145, page 11, line 16, at end insert—

“(aa) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);”

See the statement for amendment 142.

Amendment 146, page 11, line 32, leave out “paragraph 11” and insert “paragraphs 11 and 124”.

See the statement for amendment 142.

Amendment 147, page 11, line 35, at end insert—

“(ea) in the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), paragraph 7 of Schedule 1 and paragraph 6 of Schedule 2;.”—(*Laura Farris.*)

See the statement for amendment 142.

Clause 28

POWERS TO COMPEL ATTENDANCE AT SENTENCING HEARING

Amendments made: 148, page 33, line 30, leave out “an offence in respect of which a life sentence must, or may, be passed,” and insert “a serious offence.”

This amendment and amendments 149 and 150 lower the threshold for the availability of the new power to order an offender to attend a sentencing hearing so that it applies in relation to offences that are punishable with imprisonment for 14 years or more.

Amendment 149, page 34, leave out line 11.

See the statement for amendment 148.

Amendment 150, page 34, line 18, at end insert—

““serious offence” means an offence which, in the case of a person aged 21 or over, is punishable with—

(a) imprisonment for 14 years or more, or

(b) a life sentence (within the meaning of section 324).”

—(*Laura Farris.*)

See the statement for amendment 148.

Clause 29

POWERS TO COMPEL ATTENDANCE AT SENTENCING HEARING: ARMED FORCES

Amendments made: 151, page 35, line 17, leave out “a service offence in respect of which a life sentence must, or may, be passed,” and insert “a serious service offence.”

This amendment and amendment 152 make equivalent provision to 148 to 150 in relation to the equivalent new power for armed forces sentencing hearings.

Amendment 152, page 35, line 40, at end insert—

““serious service offence” means a service offence which, in the case of a person aged 21 or over, is punishable with—

- (a) imprisonment for 14 years or more, or
- (b) a life sentence.”—(*Laura Farris.*)

See the statement for amendment 151.

Clause 30

CHILD SEX OFFENCES: GROOMING AGGRAVATING FACTOR

Amendment made: 153, page 38, line 17, after

“is to be read as”

insert “including”.—(*Laura Farris.*)

This amendment clarifies that, by virtue of section 238 of the Armed Forces Act 2006 (as amended), the reference in section 70A(1) of the Sentencing Code to a specified child sex offence is to be read as including a reference to an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales is a specified child sex offence.

Bill to be further considered tomorrow.

DEFERRED DIVISIONS

Motion made, and Question put forthwith (*Standing Order No. 41A(3)*),

That, at this day's sitting, Standing Order No. 41A (Deferred divisions) shall not apply to the Motion in the name of Secretary Alex Chalk relating to Legal Aid and Advice.—(*Suzanne Webb.*)

Question agreed to.

Business without Debate

DELEGATED LEGISLATION

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

LEGAL AID AND ADVICE

That the draft Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Domestic Abuse) (Amendment) Order 2024, which was laid before this House on 25 March, be approved.—(*Suzanne Webb.*)

Question agreed to.

Madam Deputy Speaker (Dame Eleanor Laing): With the leave of the House, I will put motions 5 to 12 together.

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

REPRESENTATION OF THE PEOPLE

That the draft Representation of the People (England and Wales and Northern Ireland) (Amendment) Regulations 2024, which were laid before this House on 15 April, be approved.

COUNTRYSIDE

That the draft Management of Hedgerows (England) Regulations 2024, which were laid before this House on 16 April, be approved.

DEFENCE

That the draft Armed Forces (Court Martial) (Amendment) Rules 2024, which were laid before this House on 18 April, be approved.

ENERGY

That the draft Carbon Capture Revenue Support (Directions, Eligibility and Counterparty) Regulations 2024, which were laid before this House on 15 April, be approved.

That the draft Carbon Dioxide Transport and Storage Revenue Support (Directions and Counterparty) Regulations 2024, which were laid before this House on 15 April, be approved.

RETAINED EU LAW (REVOCATION AND REFORM)

That the draft Product Safety and Metrology etc. (Amendment) Regulations 2024, which were laid before this House on 15 April, be approved.

INTERNATIONAL MONETARY FUND

That the draft International Monetary Fund (Increase in Subscription) Order 2024, which was laid before this House on 22 April, be approved.

FINANCIAL SERVICES AND MARKETS

That the draft Securitisation (Amendment) Regulations 2024, which were laid before this House on 22 April, be approved.—(*Suzanne Webb.*)

Question agreed to.

PETITIONS

Recommendations of the Infected Blood Inquiry

7.17 pm

Christine Jardine (Edinburgh West) (LD): I rise to present a petition on the recommendations of the infected blood inquiry on behalf of the residents of my constituency of Edinburgh West. I have a long-standing interest in this as a friend of my family, who was one of the early victims of the infected blood scandal, has suffered as a consequence, along with many families including those in my constituency, waiting too long for redress. The petition states:

“The petitioners therefore request that the House of Commons urges the Government to implement the recommendations in the Second Interim Report of the Infected Blood Inquiry without delay.”

Following is the full text of the petition:

[The petition of residents of the constituency of Edinburgh West,

Declares that people who received infected blood and who have suffered as a consequence have, along with their families, waited for too long for redress.

The petitioners therefore request that the House of Commons urges the Government to implement the recommendations in the Second Interim Report of the Infected Blood Inquiry without delay.

And the petitioners remain, etc.]

[P002985]

Deidre Brock (Edinburgh North and Leith) (SNP): I rise to present a petition from residents of my constituency of Edinburgh North and Leith regarding those people who have received infected blood and suffered as a consequence and who have, along with their families, waited far too long for redress. The petition states:

“The petitioners therefore request that the House of Commons urges the Government to implement the recommendations in the Second Interim Report of the Infected Blood Inquiry without delay.

And the petitioners remain, etc.”

The petition of residents of the constituency of Edinburgh North and Leith.

[P002987]

Stephen Kinnock (Aberavon) (Lab): I rise to present this petition on behalf of constituents in Aberavon, on the same terms as those presented by my hon. Friends the Members for Newport East (Jessica Morden) and for Batley and Spen (Kim Leadbeater). I pay tribute to my right hon. Friend the Member for Kingston upon Hull North (Dame Diana Johnson) for her unstinting work in pursuing justice for the victims.

My constituent David Farrugia and his siblings lost their father in 1986 after he was given infected blood products. It literally tore their family apart, as the siblings were then split up in the care system. This scandal has caused decades of suffering, health issues, financial loss and stigma for those affected. They have campaigned for justice, but it has taken far too long and is long overdue. Justice must not be delayed any further.

The petition of residents of the constituency of Aberavon.

[P002986]

Judith Cummins (Bradford South) (Lab): I join a number of hon. Members in presenting a petition in the same terms on behalf of my constituents in Bradford South, although I know that it reflects feelings that are widespread across the country. The petition reflects concerns across Bradford South that the Government have yet to implement both the final infected blood inquiry recommendations and compensation, and the will of this House of Commons, which was expressed on 4 December 2023.

The petition of residents of the constituency of Bradford South.

[P002988]

Julian Sturdy (York Outer) (Con): Like many others, I rise to present a petition on behalf of my constituents of York Outer who have, alongside their families, suffered directly from wrongly receiving infected blood and have waited far too long for redress. I pay tribute to my constituents, including Norman, who have signed the petition, and I call on the Government to fully implement the recommendations set out in the infected blood inquiry report, which is due to be published next week. The petition states:

“The petitioners therefore request that the House of Commons urges the Government to implement the recommendations in the Second Interim Report of the Infected Blood Inquiry without delay.

And the petitioners remain, etc.”

The petition of residents of the constituency of York Outer.

[P002989]

Leaseholders and Freeholders

Motion made, and Question proposed, That this House do now adjourn.—(Suzanne Webb.)

7.22 pm

Sir Liam Fox (North Somerset) (Con): I begin by thanking my constituents in Portishead, whose dogged determination not to be treated as supine cash cows has led to this debate, which I am proud to have secured on their behalf. The residents at Port Marine, a beautiful development in Portishead that transformed derelict industrial land into an extremely desirable place to live, bought their properties—some leasehold and some freehold—with an external property management company managing some communal parts. My hon. Friend the Minister will recognise in that tale a situation mirrored up and down the country, with uncertainty about bills and charges at one end of the spectrum and the inability to sell properties that are effectively valued at nothing at the other.

There are two key issues: the variable service charge and the fixed rent charge. I am grateful to Sebastian O’Kelly of the Leasehold Knowledge Partnership, who described the situation thus:

“It is an arrangement cooked up by developers and councils: it means developers have a management company and income stream that they can sell on to management companies such as FirstPort, and the council saves money by not adopting these open spaces. Meanwhile, the often younger buyers of these properties end up paying council tax and the management charges, while older locals often living in more valuable houses pay to the council only.”

The situation is increasingly being described as what it is—namely, a fleecehold.

Residents initially wrote to me about the increase in the variable service charge to levels that they believed were unreasonable. Attempts to gain transparency on the costs go back several years, including a face-to-face meeting between FirstPort and Portishead residents in 2019. The issue affects around 1,000 of my constituents, both freeholders and leaseholders. In effect, residents have complained that the amount they are paying does not match the amount of land being managed by FirstPort or the level of work it undertakes on the Port Marine estate. It has also been difficult to get transparency from FirstPort when residents have requested a breakdown of its costs for managing their properties and land.

On 3 November 2023 I joined constituents representing the Portishead management charge action group, along with two representatives of North Somerset Council and two representatives of FirstPort, for a walk around the Port Marine estate to look at the areas managed by FirstPort and by North Somerset Council respectively. We found that very small areas of the estate are managed by FirstPort, for which it charges at least £440 per annum. That charge seems particularly high and produces around £220,000 of income per year for FirstPort. Ideally, residents would like to see the land managed by North Somerset Council, which looks after large parts of the estate already. Naturally, the council would like to receive a substantial sum from FirstPort to transfer those duties but, with no agreement forthcoming, it is easy to see why my constituents find themselves in something of a trap.

Jim Shannon (Strangford) (DUP): I commend the right hon. Gentleman for rightly bringing this issue to the attention of the House. Does he agree that, although the Leasehold Advisory Service gives free advice for England and Wales—as it should—the advice is not granted in all situations, so when his constituents sought advice, in many cases they would be unsure about where they stood without costly legal advice, and that the Government and the Minister must provide much more clarity across the board?

Sir Liam Fox: I am grateful to the hon. Gentleman. I will go on to set out just how horrendous some of those charges are and how it can be very difficult for my constituents to get legal redress. That is no doubt a situation that my hon. Friend the Minister has heard on a number of occasions.

We all understand that communal land must be managed for the benefit of all. No one disputes that, but it needs to be done in a way that is fair and equitable, predictable and transparent. The current position is none of those things.

Justin Madders (Ellesmere Port and Neston) (Lab): The right hon. Gentleman is absolutely right that many of these arrangements were never made clear to people when they purchased their properties, and too often developers have taken a shortcut to create a secondary income stream, when actually they should be paying a lump sum to the local authority to take over those responsibilities. It is a double whammy for those who are on the end of it, is it not?

Sir Liam Fox: I swear there was no collusion here, Madam Deputy Speaker, but the hon. Gentleman takes me very neatly on to an even more horrendous example than the one I have already set out: fixed rent charges.

First, let me set out to the House the history by which property companies can fleece freeholders using this mechanism. Across the country as a whole rent charges are rare, but they do exist in parts of England, such as around Bath, Bristol and Manchester. A real problem can arise when a buyer or their conveyancing solicitor fails to spot their presence in the title deeds. Why? Because rent charges, which were introduced mainly in the late 19th and early 20th centuries, were put in place when landowners wanted to sell land at a reduced cost to a developer. They would sell the land on a freehold basis, but retain a legal interest in the land and charge an annual fee, or rent charge, which is in place for ever.

Historically, the rent charge was typically between £2 and £10, which was quite a lot in those days, but has been regarded as nominal in recent years. While many rent charges have fallen dormant, others have been bought up by property companies, which are now ruthlessly enforcing payment. The rent owner is entitled to recover any sums due, but does not have to send a reminder to the freeholder and, as I understand it, is legally entitled to impose a penalty after 40 days—when the account inevitably falls into arrears—usually by taking out a statutory lease on the home as security. That would then make the property almost impossible to sell unless the freeholder pays thousands to redeem the lease. That is outrageous.

Let me outline the issue in respect of Portishead. In 2011, solicitors acting on behalf of Crest Nicholson, the original landowner of the development, wrote to

FirstPort—then known as Consort—advising it that the fixed rent charge should be reduced to £1. Although FirstPort shared that information with some residents and reduced the charge accordingly, it did not do that for all residents and continued to invoice some to the tune of between £100 and £150 per annum. Those residents were later refunded. After trying to renege on that agreement at the end of 2022, FirstPort informed residents in December 2023 that it again intended to start charging £100 to £150 per year for the fixed rent charge.

FirstPort has argued that, because no deed of variation was entered into to confirm the reduction, meaning that the agreement to reduce the fixed rent charge was not legally binding, it can effectively do what it likes. Needless to say, residents who were not advised in 2011 that they needed to enter into a deed of variation, or log the change with the Land Registry, are extremely unhappy. Recently, under pressure from residents, Crest Nicholson and myself, FirstPort agreed to keep the fixed rent charge to £1 per annum, provided that residents entered into a deed of variation.

It is instructive to see what Crest Nicholson has made of this debacle. On 9 February, it told me:

“Crest’s view is that the decision being taken by FirstPort to unilaterally reimpose the fixed rent charge of the properties at Port Marine is not only unfair but the underlying mechanism within the transfer is potentially open to challenge in the courts. This is because the annual charges they are proposing to claim (i.e. between £100 and £150) are not what a court would consider to be nominal amounts, a requirement for a fixed rent charge to be lawful under the Rentcharges Act 1977.”

Interestingly, Crest also told me:

“Many of the residents wrongly believe this money is being paid in exchange for FirstPort performing a service. FirstPort is already able to recover its costs for enforcing covenants from the variable element of the rent charge so FirstPort’s claim that this is its purpose is, at best questionable.”

Following a meeting that we had at the end of March, Crest Nicholson made it clear that it was no longer handing out contracts to FirstPort.

Let me turn to the question of the deed of variation. FirstPort initially quoted residents £300 plus VAT to enter into the deed of variation, offering that price as a discounted rate. In its letter to me on 7 March 2024, it stated that its

“legal fees for entering into any type of Deed of Variation would usually be £500 + VAT.”

In other words, this was a bargain that my constituents should jump at in order not to be forced to pay £150 a year. They could pay FirstPort £500 as a one-off payment to prevent that from happening in the future. I think many of us would regard that as extortion. This whole saga has caused constituents a great deal of stress. Despite that, they have indicated that the £150 cost is tolerable—meaning they are willing, but not happy, to enter into the deed of variation and be done with the whole saga. FirstPort has set a deadline of 30 June 2024 for residents to enter into the deed of variation.

So, we have a variable service charge that can be raised and enforced without any clear and transparent links with the services being undertaken. Then, we have the truly horrendous situation in which rent charges, which have no relation whatsoever to any service being provided, can effectively be raised and applied through the threat of making properties unsellable, and the only means of escape is for residents to enter into deeds of

variation at a price determined by—guess who—FirstPort. Let me be clear: I regard this as daylight robbery and a historical anomaly that has no place in our modern society. I am sure that FirstPort will not be the only property company up and down our country acting in this way. As the Minister's Department introduces regulations following the passage of the Levelling-up and Regeneration Act 2023, and as it looks at leasehold reform, I ask my hon. Friend to see how quickly we can redress these wholly unacceptable positions and consign them to the dustbin of history, which is where they belong.

7.35 pm

The Minister for Housing, Planning and Building Safety (Lee Rowley): It is a great pleasure to respond in this short debate, and to talk about an issue of huge importance to so many colleagues around the House. Over the past few months, as we have talked about leasehold, more and more colleagues have come up to me to highlight the iniquities, problems and challenges that they see in their constituency. I am grateful to my right hon. Friend the Member for North Somerset (Sir Liam Fox) for highlighting the issues that he has experienced, and I am very sorry to hear about Port Marine and the challenges that its residents face. I obviously cannot comment too much on individual cases, but it is absolutely vital that we hear individual examples. I have heard examples from around the country of particularly egregious extortion, and problems with the framework of leasehold. That is one of the reasons why we are bringing forward leasehold reform—because we recognise that there needs to be change.

Leasehold can work in some places, and some elements of it can be successful, but as my right hon. Friend has outlined, the problem is that there is too much bad practice in the sector. There are too many distortions within that tenure, too many inefficiencies that can be exploited, and frankly too many rent-seekers in the sector who are trying to exploit those distortions and inefficiencies. I know that Opposition colleagues also feel strongly about this issue, but we Conservatives are nothing if we do not seek to smash monopolies, stop rent-seeking, make markets more perfect and stand up for the little guy. Stories such as the one that my right hon. Friend recounted today highlight the reason why we are reforming leasehold. There is a way to go in making that market more perfect, but that is exactly what we are trying to do.

The Leasehold and Freehold Reform Bill will bring into law many reforms to better protect and empower leaseholders. Existing leaseholders will find it easier and cheaper to extend their lease or buy their freehold. Reforms to the cost regime for enfranchisement and right-to-manage claims will make them more accessible, enabling leaseholders to take control of their building and, therefore, their future.

Sir Liam Fox: The issue of rent charges also applies to freeholders; it is not just leaseholders who are the victims. An amendment to the Rentcharges Act 1977 would deal with the problem once and for all, so I encourage my hon. Friend to look at amendments to that Act when we bring forward legislation on this subject. If the Government do not want to bring forward such an amendment to the 1977 Act, I would be more than happy to table one.

Lee Rowley: My right hon. Friend is absolutely right: there are impacts on both freeholders and leaseholders. Different types of property and tenure are impacted in different ways. Elements of the rent charges regime will be extinguished by the 1977 Act, which he rightly referenced, in 2033; that has been in law since before I was born.¹ However, there are a number of other issues that need addressing, and the Leasehold and Freehold Reform Bill was introduced to address some of them. A whole range of reforms are necessary across the leasehold sector, and the Bill seeks to address that, but as my right hon. Friend outlined, there are two main issues that this discussion of Port Marine has highlighted: the variable service charge, and the rent charge point, which he just spoke about a little more.

The Bill as it stands will absolutely make progress on variable service charges in a number of ways. It will not fix what has happened in the past, but it absolutely seeks to minimise the chance of it happening again. Unjustified increases in variable service charges are not acceptable. Any service charges must be transparent and communicated effectively, and there should be a clear route for challenging them if things go wrong. The Bill ensures that all leaseholders will receive: key minimum financial and non-financial information regularly, including a standardised service charge demand form; an annual report of charges; the timely provision of service charge accounts; and the right to obtain other relevant information. That is a significant step forward, as I know from discussions with both leaseholders and freeholders in my constituency, and from having spoken with colleagues from all around the House who have similar issues. We are also taking measures on service charges to ensure that leaseholders are not subject to unjustified legal costs. For the first time, they can, when appropriate, claim their costs from landlords if they go through the tribunal process and win. There will be a significant change on variable service charges as and when the Bill passes through both Houses.

On fixed rent charges, the Bill introduces a framework to empower homeowners and to hold estate management companies to account for the service they provide. There will need to be transparency of information. There will be a new legal requirement that estate management charges must be reasonable. For the first time, there will be an ability to challenge excessive costs through the tribunal, and to ensure that estate management companies are held to account. The measures will also cover admin fees, including deeds of variation—my right hon. Friend highlighted that point. As I say, there will for the first time be a right to apply to the tribunal for redress. If there is a strong view, and proof, that the managing agent in charge is doing something inappropriate or is not fulfilling their duty, people can apply to a tribunal to have a substitute manager appointed. That will for the first time provide an opportunity for residents to highlight problems, and remove people who consistently cause problems.

As I said in Committee, we recognised in Committee and from previous debates in the House the strength of feeling among colleagues; that has been shown again by my right hon. Friend in this debate, and by the contributions of other hon. Members. We are considering further whether we can look at this area in more detail. I hope that I can soon say more from the Government Front Bench about that, although I cannot do so tonight.

1.[*Official Report*, 20 May 2024; Vol. 750, c. 7WC.](Correction)

[Lee Rowley]

To conclude, my right hon. Friend is absolutely right to raise the issues in this case and to highlight the key challenges that we see daily to do with when this system does not work. He raised how and when this system is not working for Port Marine. I hope there is restitution, and that a solution comes as soon as possible. I recognise the individual examples of when things are not working, but the Government are taking action, in a very Conservative way, recognising that we have to deal with these monopolies, smash the rent-seekers and remove distortions to make markets more perfect. We must ensure that there will not be another Port Marine in

10, 15 or 20 years' time. When the Bill goes through, we will significantly improve this market and leasehold, and significantly change rent charges, so that people who want to buy their house and have the benefits of owner-occupation—we want to do all we can to empower people—gain real control over their future. We look forward to colleagues supporting the Bill as it goes through its final stages in the House in the coming weeks.

Question put and agreed to.

7.44 pm

House adjourned.

Westminster Hall

Wednesday 15 May 2024

[CHRISTINA REES *in the Chair*]

Biodiversity Loss

9.30 am

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

That this House has considered biodiversity loss.

It is a real pleasure to serve with you in the Chair, Ms Rees, and to open today's debate on biodiversity loss.

It is now less than six months until COP16 takes place in Colombia—the first summit since the Kunming-Montreal global biodiversity framework was agreed in 2022, when countries committed to

“halt and reverse biodiversity loss by 2030.”

The meeting will be a crucial opportunity for global leaders to demonstrate how they are delivering on the commitment to restore our depleted natural world, and it is a moment for our own Government to step up as well.

When the then Secretary of State for Environment, Food and Rural Affairs, the right hon. Member for Suffolk Coastal (Dr Coffey), gave her statement to Parliament following the Kunming meeting, she promised to

“make this a decade of action”.—[*Official Report*, 19 December 2022; Vol. 725, c. 47.]

But what have we seen since then? Raw sewage continues to pour into our waterways, including for more than 4 million hours last year, according to the Environment Agency statistics. There have been repeated so-called emergency approvals of neonicotinoids, a poison so powerful that a single teaspoon is enough to kill 1.25 billion bees. And just this weekend, it was reported that the Government are poised to row back on their commitment to ban the sale of horticultural peat this year, and are seemingly content to see precious peatlands further degraded. It is hardly a reassuring picture.

Barry Gardiner (Brent North) (Lab): I absolutely agree with what the hon. Lady is saying. She mentions COP16. Later this year, the world will meet in Colombia for the biodiversity conference, which is of critical importance. She will be aware that Colombia has joined the Beyond Oil and Gas Alliance, yet the Government of the UK—a similar-sized oil and gas producer—have not. Does she believe that one of things we should be doing before the biodiversity COP is to join Colombia in the Beyond Oil and Gas Alliance?

Caroline Lucas: I agree wholeheartedly. I will come to that issue in a moment, but joining the Beyond Oil and Gas Alliance does not mean that we will end oil and gas tomorrow. It is a commitment over time, and it sends out a massively important signal to the rest of the world. Frankly, the fact that we have not signed up tells its own story, unfortunately.

The “State of Nature” report, published last year, shone a spotlight once more on the horrifying decline—let us call it what it is: the wanton destruction—of biodiversity across our four nations. It showed that, in that well-worn formulation, the UK is now one of the most nature-depleted countries on Earth. In the course of my lifetime alone, the abundance of species studied across the UK has fallen by almost 20% on average, meaning that just half of the animals, insects and plants with which we are privileged to share our home now remain—from the mosses and the lichens in our woodlands to the internationally important seabird populations that breed on the cliffs and rocky islands of the coastline.

This is a disaster so extreme that, frankly, it is hard to contemplate. Imagine if we lost half our population, or if half the country was swallowed by the sea, or if half the country's financial wealth was squandered; and yet we have sacrificed, seemingly with few regrets, half our natural inheritance. Scientists are now warning of what they term “acoustic fossils”, as the natural world falls silent and once familiar sounds, such as the dawn chorus, grow quiet or are lost altogether. It could not be clearer that nature is in freefall. Without urgent action to not just halt but reverse its decline, species risk being lost forever from our skies, land and waters. That is a disaster for the individual species concerned, including my favourite bird, the swift, which can fly an extraordinary 1 million miles in the course of its lifetime.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): The hon. Lady is absolutely right to raise the situation of migratory birds. There is one tiny glimmer of hope: in Ynys Enlli on Bardsey Island, which is in my constituency, we have had Europe's first and only dark sky sanctuary since last year. One of the key actions was to replace the bright white light of the lighthouse with a red light, thereby saving thousands of birds' lives—previously, in one night 2,000 birds had died. We must acknowledge those little glimmers of hope, while also recognising the larger picture and its seriousness.

Caroline Lucas: I thank the right hon. Lady for her inspiring intervention, which shows that incredibly simple things can make a world of difference.

Duncan Baker (North Norfolk) (Con) *rose*—

Caroline Lucas: Indeed, I anticipate an intervention in just a moment on one of my favourite subjects: swift bricks.

Duncan Baker: The hon. Lady is absolutely right to talk about losing 50% of some species. One of her favourite birds is the swift. For just £30, a swift brick can be installed in new build properties. The swift population has declined by 60% over the past 30 years, so I ask the Minister: why are we not legislating for such a simple way to protect the swift population?

Caroline Lucas: As the hon. Member knows, I could not agree more. I remember being in this room for that debate in Westminster Hall last year, as he was, talking about the importance of something as simple as a swift brick and hearing the Minister basically going through gymnastics in trying to explain why it would not be possible to legislate for swift brick use. This is not even £30 that the Government would have to spend; if the

[Caroline Lucas]

buildings were properly built and swift bricks put into them in the first place, the developers would only have to spend a tiny amount of money. In essence, we are saying to the Minister that a whole raft of actions need to be taken, but some are incredibly simple. Will she please start to take on some of those actions?

The loss of biodiversity is not only a tragedy for the species involved, but a disaster for us, too. The world is a lonelier place for human beings when the number of species that we have been privileged to share it with are declining on a daily basis. If people want to measure it in economic terms, a recent report found that biodiversity loss could cause a larger hit to the UK's economy in the years ahead than either the 2008 financial crisis or, indeed, the covid-19 pandemic. Well, of course it could, because the bottom line is that our wellbeing is intimately and inextricably bound up with the wellbeing of nature. We are nature, and it is the false perception of a division between human beings and the rest of the world—that mechanistic assumption that the natural world is something for us to use, rather than to live alongside—that is at the root of so much of the ecological crisis around us.

To give one small example, Lawyers for Nature has started an inspiring campaign to change the definition of “nature” in the “Oxford English Dictionary” so that it includes humans. Currently, all dictionaries exclude humans from their definition. Words matter. Highlighting our connection and interdependence with nature matters, and that needs to lead to action.

The Government have made welcome commitments at a global level, including to manage 30% of the land and sea for nature by 2030, and at home, with the Environment Act 2021 setting legally binding targets, notably to end the decline in species populations by 2030. But we all know that what matters is not just the setting of targets, but the delivery of them. The latest assessment from the Office for Environmental Protection has been damning on that front, warning that the prospect of meeting key targets and commitments is “largely off track”. Dame Glenys Stacey, the OEP chair, went on to say that it is “deeply, deeply concerning” that “adverse environmental trends continue”. That statement is underlined by the evidence that our rivers and our seas are being polluted with a cocktail of chemicals and effluent, while ancient woodlands are being bulldozed to make way for roads and railways, and our fields are being doused in pesticides and fungicides. Our only home is on fire and being bulldozed before our eyes.

As State of Nature reports, two primary factors drive that decline on land: climate change and our intensive agriculture system. It is on those that I will focus the rest of my remarks. On our climate, rising temperatures are causing major changes in the natural world, leading to rain shifts, population changes and the disruption of precious food webs. Species that are well adapted to the warmth are likely to keep expanding across the UK, but montane species that are already on the edge of their ranges will tragically be squeezed out.

More broadly, nesting birds will be increasingly mismatched with peaks in invertebrate food sources. For example, more blue tit chicks will starve, because the caterpillars on which they depend are no longer available. At sea, primary and secondary plankton

production is likely to be shifted northwards. There was widespread alarm at the extreme marine heatwave last year, during which seas off the coast of the UK reached up to a horrifying 5°C above normal.

Species that have adapted over thousands of years simply cannot keep up with this perilous, high-speed experiment that we are conducting. The Intergovernmental Panel on Climate Change's sixth assessment from Working Group II showed that climate change is already

“causing dangerous and widespread disruption in nature”,

so at the very least we need to stop pouring fuel on the fire: no new oil and gas licences, and certainly no new coal mines.

I am deeply concerned that the Government have not only issued licences for oil and gas projects inside our marine protected areas, making a mockery of that designation, but have been ignoring objections from the Joint Nature Conservation Committee to new licences on environmental grounds. Ministers need to rapidly speed up the transition to net zero, rather than delaying action in a desperate attempt to stoke a climate culture war. We need to work with nature to tackle this crisis by creating woodland, planting seagrass meadows and rewetting peatlands. That would not only restore vital habitats but lock away carbon.

According to the Royal Society for the Protection of Birds, those vital carbon sinks contain 2 gigatonnes of carbon—equivalent to four years of the UK's annual emissions—and yet not only is two thirds of the store unprotected, but much of it is already damaged and degraded. Unforgivably, it continues to be destroyed. The Government have abjectly failed to deliver a complete ban on peat burning. Peat continues to be set alight each year simply so that a wealthy minority can engage in grouse shooting. If we needed a definition of absurdity, that would be one. We need to end that devastating practice, and we need real investment in nature-based solutions, which remain chronically underfunded. That should include a significant uplift to the nature for climate fund, and I hope the Opposition will urgently commit to renew it if they form the next Government.

When it comes to food production, our modern agricultural system, with its industrial processes, use of chemicals and monoculture fields stretching as far as the eye can see, is one of the main causes of biodiversity loss. It is driven by economic pressures and misguided views of so-called progress, which put a huge toll on farming communities and ecosystems alike. Author and farmer James Rebanks described it as like being “sucked into a whirlpool” and “slowly becoming exhausted” in an effort to keep up with so-called modern practices, while supermarkets squeeze profits to an extent that often makes it nigh-on impossible to make profit.

Farmers manage 70% of the land in England and have a vital role to play in addressing the climate and capture crises. The OEP observes that the

“Government will not achieve its ambitions without effective management of the farmed landscape”.

As it stands, the Government's environmental land management scheme is failing both nature and farmers. First, the current structure of the sustainable farming incentive is leading to a pick-'n'-mix approach that risks directing funding into a very narrow range of low-impact actions.

Secondly, farmers are not being supported to enter the higher-tier schemes. One in five of those who applied for the countryside stewardship higher tier last year was turned away, including because of a lack of resourcing and an absence of a transition pathway for the thousands of farmers in previous agri-environment schemes, who now risk missing out. Thirdly, there is a gaping hole in minimum environmental protections, including for watercourses, soil and hedgerows, now that the cross-compliance regulations have come to an end and it is not clear what will replace them.

ELMs must be urgently reformed with a clear plan for how each scheme will deliver on the UK's environmental targets and a proper regulatory baseline. The Government must deliver a pay rise for nature by doubling the annual budget for nature-friendly farming and land management. Going beyond that, we need a transformational shift to agroecological ways of farming so that food is produced in harmony with nature. That should include properly incentivising the transition away from harmful pesticides, fungicides and herbicides. I hope Labour will look again at its proposals for how we grow our food, because simply committing to make ELMs work falls short of setting out how the farming budget must be allocated if we are to restore the natural world and produce healthy and nutritious food in the context of the climate and nature emergency.

At sea, we urgently need a ban on industrial fishing in all marine protected areas. The current approach is far too slow and piecemeal to adequately respond to nature's decline.

Finally, we must not only protect our most important sites but create new habitats and ensure that planning policy on land and sea properly takes nature into account. Despite sites of special scientific interest apparently being the crown jewels of the UK's nature network, many are in poor or declining condition. According to a recent health check, just 6% of the total land area of our national parks is managed effectively for nature. Throughout the country, that figure reduces to as little as 3% of land and 8% of English seas being well protected for nature. That highlights the enormous gulf in delivering on the 30 by 30 target, regardless of the warm words we hear from Ministers.

If we are to have any chance of restoring nature and achieving our targets, protected landscapes can no longer just be paper parks; they must be thriving ecosystems bursting with life. The designated sites network should be strengthened and expanded, with funding increased and, crucially, targeted towards biodiversity regeneration. There should be a new statutory purpose for national parks and landscapes—formerly areas of outstanding natural beauty—to support nature's recovery.

I welcome the proposal from the Wildlife and Countryside Link for a 30 by 30 rapid delivery project to ensure that the goal is delivered in less than six years' time. We need to see better-resourced arm's length bodies such as Natural England, as has been called for just this week by the chief executive officers of leading nature charities, to ensure that they can do their job for our critical assets and effectively advise the Government.

Lastly, we need to see more connectivity across landscapes, as nature's decline is also being driven by the fact that those places that do exist for wildlife are too small and fragmented. A brilliant model for how that can be done has been shown by the hugely exciting

Weald to Waves project, which aims to create a 100-mile nature-recovery corridor going from the Sussex kelp recovery project near Brighton to the Ashdown forest, with the Knepp estate at its heart. Many of us will have visited the Knepp rewilding project and heard the gentle purr of the turtle dove and the nightingale's song.

The Green party believes we need to go further. We would introduce a new rights of nature Bill, to recognise that ecosystems have their own rights and to give a voice to nature in law. That would be enforced by a new independent commission for nature, so that the regeneration of nature was at the heart of all policy considerations. We need to look again at an economic model that has ever-increasing extractive GDP growth as its overriding goal rather than the promotion of a thriving natural world and increased wellbeing for us all. As the Dasgupta review urged, we need a change in

“how we think, act and measure economic success to protect and enhance our prosperity and the natural world.”

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate the hon. Member on securing the debate. It is extremely frustrating that the economic pack for today's debate indicates that public expenditure and non-Government spending on UK biodiversity has increased in the past few years, yet many of the problems persist and some are getting worse. Does she agree with me that, in spite of increasing expenditure on the problem, it seems to be getting worse?

Caroline Lucas: The hon. Member's intervention demonstrates that more resourcing is a necessary but not sufficient component of what we need to see. We need a far more joined-up approach to the natural world. As I have argued, our farming and food system is absolutely integral to making things properly connected.

I am aware of the time, so I will draw my comments to a close by returning briefly to our international commitments. As the Minister knows, countries must publish national biodiversity strategy and action plans ahead of the next UN biodiversity summit in Colombia. The UK's plan is expected to contain four individual country strategies for each of the four nations, as well as strategies for the UK overseas territories and Crown dependencies. It is understood that the plan could be published and adopted very soon, but, concerningly, there are rumours that the country strategy for England could simply be a repetition of the environmental improvement plan. Such a move would be totally unacceptable given the widespread criticism that the EIP has received, including from the Office for Environmental Protection.

I have asked the Minister many things, but I want to summarise three in particular that I hope she will address in her response to the debate. First, will she confirm today that the Government will publish a bold, co-ordinated and well-resourced plan, with concrete steps to deliver on our international commitments ahead of that key meeting in Colombia? Can she rule out the idea that for England it will simply be a reiteration of the environmental improvement plan? Secondly, I hope the Government will bring the global commitment to reverse nature loss by 2030 into UK law—a move that would be delivered by a new climate and nature Bill. Thirdly, will the Minister outline what will replace the cross-compliance rules? Can she indicate how the gap will be filled?

[Caroline Lucas]

It is easy to feel overwhelmed by nature's horrifying decline, yet it is entirely possible to reverse this picture and ensure that our children inherit an earth that is just as rich and vibrant as the one that we once knew, where habitats are restored and biodiversity blooms. But to do so, we need to take urgent steps now, not only to protect what remains but to work to create new wild spaces, and finally to recognise that we are nature, and that what we do to the natural world we ultimately do to ourselves.

Christina Rees (in the Chair): May I remind Members that they should bob if they wish to be called to speak in the debate? I intend to start the wind-ups at 10.25 am to allow Ms Lucas a couple of minutes at the end to sum up. If Members stick to around three minutes as an informal guide, we should get everyone in.

9.50 am

Theresa Villiers (Chipping Barnet) (Con): It is great to serve under your chairmanship, Ms Rees.

I congratulate the hon. Member for Brighton, Pavilion (Caroline Lucas) on securing a debate on this important issue. I absolutely agree with her that the protection of nature and wildlife is not some nice-to-have optional extra. From the pollinators that enable us grow crops and the marine life that provides our most popular national dish, to the trees that help us to breathe easily in towns and cities, biodiversity is vital for our survival and prosperity. As we have heard this morning, it is also vital for reaching net zero. If we are to have any chance of becoming carbon neutral, we need to plant millions of trees, re-wet peatlands and allow habitats to thrive in many more places.

Natural spaces play a hugely important part in our happiness, wellbeing and health. They are in many ways what makes life worth living. That is why I have always fought to conserve green spaces in my Chipping Barnet constituency. A huge amount of effort is under way to reverse the decline in the natural environment, as we have heard this morning. Much of that work is done under the Environment Act 2021, which I was proud to introduce to Parliament. The 2030 target of halting species loss is hugely important. The Environment Act also includes the toughest rules ever to bear down on the pollution of our rivers and waterways; measures to rid supply chains of illegal deforestation; measures to transform our waste and recycling system; and measures to crack down on litter and fly-tipping, which can so often defile our green and natural spaces and habitats.

While I was at the Department for Environment, Food and Rural Affairs, I also introduced to Parliament the Agriculture Act 2020, which ended the common agricultural policy and replaced it with ELMs schemes to support farmers to protect and enhance habitats. I acknowledge the points made by the hon. Member for Brighton, Pavilion but, despite the drawbacks, that is one of the most important and far-reaching nature-protection measures that has ever been adopted by this country, not least because it opens up a long, ongoing source of significant funding for the protection of nature.

Our exit from the European Union has enabled us to introduce additional protections for the marine environment, most recently to ban the fishing of sand eels in the North sea, which is a significant boost to our

puffin population. Our overseas territories make us custodians of one of the largest marine estates in the world. We are taking truly world-leading action, protecting an area of ocean larger than India. Just in January we protected a further 166,000 square kilometres around South Georgia and the South Sandwich Islands.

Despite that action there is, of course, still a huge amount to do if we are to meet that 2030 target on nature and the 2050 target on carbon. We need every part of Government to play its part in delivering on those two crucial environmental challenges. I urge Ministers to consider supporting my Bill to ban the sale of horticultural peat in the amateur gardening sector. I also urge the dramatic scaling up of tree-planting rates. We must do all we can to prevent litter and fly-tipping from choking our natural spaces. We also need to protect the green belt from Labour plans to bulldoze it.

9.54 am

Alistair Strathern (Mid Bedfordshire) (Lab): It is a pleasure to serve under your chairship, Ms Rees. I congratulate and thank the hon. Member for Brighton, Pavilion (Caroline Lucas) for securing such an important debate.

I am proud to represent a particularly beautiful part of our country in Mid Bedfordshire with, I think, some of the best countryside that Britain has to offer. We take great pride in that countryside across our communities. There are fantastic local conservation groups and charities, and some brilliant work is being done by local parish councils to cherish and really look after the very best of the British countryside.

Our farmers play their part too. Whether they are nurturing the world-famous shallot fields of Clifton Bury farm, pioneering regenerative farming techniques at Southill estate, or rearing fantastic livestock at Browns of Stagsden, our farmers are the real unsung heroes of so much of what makes Bedfordshire special. However, the sad reality is that, in so many ways, these groups are being let down and our countryside is being let down too.

The last 14 years have seen a devastating decline in our biodiversity and local environments. Our rivers alone have seen 778 sewage spills in the past year, and our farmers have been let down by a broken economic policy settlement. The failure to deliver schemes such as ELMs and wider support measures at scale means that, all too often, farmers cannot access the support and funding they need to take care of the countryside that they so desperately want to look after.

It should fall to all of us here today and across Parliament to take ownership of addressing the issue and ensure that we finally act with the urgency that the nature crisis our country is facing demands. Under this Government's watch, we risk becoming one of the most nature-depleted countries in the world, and that should be a scandal to us all. The situation has wide-ranging consequences, too. Communities have seen cherished nature, which has been the backdrop to their lives for generations, diminished. Farmers worry about what the decline of their fragile ecosystems will mean for the future of their business and their much-loved countryside. Even hard-nosed financial institutions across the City are waking up to the real risk now posed to our economy by nature risk, as our great natural assets are eroded.

The shocking report from the Office for Environmental Protection, which has already been mentioned, should be an urgent call to action for us all to redouble our efforts and make sure that our commitments are lived up to and exceeded. That is why I am proud that Labour has underlined our commitment to meeting our targets, to redoubling efforts to make sure that we can halt the decline of nature and species in Britain by 2030, and to ensuring that we meet and live up to our international commitments and protect 30% of the UK's land and seas for nature by 2030.

A lot of levers will need to be pulled to make all that happen. We will make sure that we finally get a land use framework into effect, allowing us to promote sustainable regenerative farming, reach our climate goals and strengthen ecosystems. We will also take robust action to hold water companies to account, by introducing tough action to stop bonus payments for pollution and ensuring that bosses who continue to oversee law-breaking will face criminal action. The last 14 years have shown a sickening decline in the quality of our waterways right across the country, with not a single river in England rated as being in good health. How on earth can we expect natural life to thrive in such a toxic environment?

While this Government and Parliament continue to stagger on, I urge Ministers to put this time to use. I know that the Parliamentary schedule can get crowded with multiple reset moments, but this really matters, so I urge the Minister to commit today to finally bringing forward the land use framework in this Parliament; to making sure that we finally bring forward legislation and action on water executives' bonuses; and to make sure that we finally deliver every penny available, from ELMs to wider nature and climate funding, to farmers who desperately need the funds to look after our countryside.

If this Government are not up to that, it will fall to the next Government to act. I am proud to be part of a party that has a proud history of conservation. From setting up our natural parks to opening up our coastal paths and passing the world's first legislation to tackle climate change, Labour has a lot to be proud of. Should we be asked by the British people at the next election, Labour stands ready to serve our countryside once again.

9.58 am

Wera Hobhouse (Bath) (LD): I congratulate the hon. Member for Brighton, Pavilion (Caroline Lucas) on introducing this important debate.

Across the globe, nature is collapsing. The UK has lost nearly half its biodiversity since the industrial revolution. We are ranked in the bottom 10% for nature loss and the worst among G7 nations. One in six UK species is at risk of extinction. The Government should be leading the way for nature, for planet and for people, but far too little is done. How can we tell others at COP16 what to do if we are falling so far behind?

This Conservative Government have missed their 2020 targets for sites of special scientific interest; they missed their targets for UK seas to meet "good" environmental status; and they missed their target for 75% of rivers and streams to be in good condition by 2027—just 14% of surface waters in England are in good ecological condition, and 0% are in good overall condition.

We Liberal Democrats would do a lot more. One of our priorities is to introduce a nature Act to restore the natural environment through setting legally binding near and long-term targets for improving air, water, soil and biodiversity, supported by funding of at least £18 billion over the next five years. We will reverse the decline of nature by 2030 and double nature by 2050 by increasing the protected area network from 8% of land to at least 16%. This will double the area of the most important wildlife habitats across England and double the abundance of species in the UK from the current baseline. We will also fund local government to increase the network of local nature reserves to move to a more nature-friendly management policy for council land. Local government has a huge role to play but can be effective only if resourced properly. I am proud that my council in Bath was the first in the west of England to adopt a policy of biodiversity net gain.

Another of our Liberal Democrat policies is to introduce a right to nature, which would include a new environment rights Act that would recognise everyone's human right to a healthy environment and guarantee access to environmental justice. Crucially, it would also introduce a duty of care for businesses to protect the environment. Particularly in our urban environments, such as Bath, there is so much opportunity to unlock the potential for nature growth. Bath Organic Group's gardens exemplify the benefit of community farming for wellbeing and biodiversity.

Liberal Democrat councils have been leading the way on reducing pesticides. In July 2021, my local council in Bath approved a ban on the use of glyphosate, and in the same year Guildford Borough Council passed a motion to become a pesticide-free town, with cross-party support. The overuse of pesticides is destroying many areas used for food by wildlife. We need national standards for limiting pesticides, rather than relying on the work of local authorities.

I recently had the pleasure of attending the St Luke's church community fair in Bath, and I met many community nature groups such as Friends of the Bloomfield Tumps and Friends of Sandpits Park. They both undertake conservation work to help to improve nature in their local areas. Everyone should also be behind No Mow May. In the UK, since the 1930s we have lost 97% of British wild flower meadows, which are a vital source of food for pollinators such as bees and butterflies. May is the perfect time of the year to leave certain green areas to develop their natural wild flowers and wildlife. It is not too late to reverse the decline in nature, but we must act now.

10.2 am

Olivia Blake (Sheffield, Hallam) (Lab): It is a pleasure to see you in the Chair, Ms Rees. I thank the hon. Member for Brighton, Pavilion (Caroline Lucas) for securing this important debate. While I think opinion is shifting, it is often forgotten that we face a twin climate and nature emergency. This debate is an important reminder that we cannot tackle one without tackling the other.

I pay tribute to the Rivelin Valley Conservation Group, which I had the privilege of visiting last Friday to see its work to establish a baseline in that river. The Rivelin valley is a beautiful part of Sheffield, and those volunteers

[*Olivia Blake*]

are playing a vital role in monitoring the health and biodiversity of the river, which is unfortunately blighted by a number of storm sewage overflows, although it is the healthiest river in Sheffield, which shows how far we have to go to protect our incredibly important rivers.

Citizen science like that is a testament to the value that my community and communities across the country place on the preservation and conservation of the environment and the restoration of nature, but these efforts are not being matched by the Government. As other Members have said, the UK is one of the most nature-depleted countries in the world, with one in six species at risk of extinction. When they are gone, they are truly gone—yet the Office for Environmental Protection tells us that the Government are not on track to deliver the nature recovery that we so desperately need.

One of the key issues on which the Government are failing is land management. My constituency opens out into the Peak district and several peatland habitats. Peatlands have been called Britain's rainforests, with landscapes covering 15% of the UK. Healthy peatlands are rare, fragile ecosystems that are home to an abundance of wildlife. As a species champion for the hen harrier, I could talk about raptor persecution for my whole speech, but I want to focus on the importance of landscapes. They are also carbon sinks, storing more carbon than all the forests in the UK, France and Germany put together. Damaged peatlands release carbon into the atmosphere and water, emitting the same amount annually as the UK's entire aviation industry and deepening the climate emergencies.

Colleagues may know that I have been campaigning to prevent heather burning on peatlands, as the fires damage the peat and burn the moss that grows on top. The moss is really important not only for nature, but in preventing floods and helping with natural flood mitigation. Rather than burning, we need to re-wet and restore our peatland ecologies so that they can thrive.

It is important to recognise that more needs to be done to produce Britain's national biodiversity strategy and action plan. I hope that that will happen and put on track the Government's commitment to 30 by 30, but we need more than pledges; we need concrete plans and action. That is why I am a firm supporter of the Climate and Nature Bill introduced by my hon. Friend the Member for Leeds North West (Alex Sobel), which builds on the Climate and Ecology Bill that the hon. Member for Brighton, Pavilion and I tabled. I hope the Government will take it seriously. If I had more time I would continue, but I will stop there.

10.6 am

Sarah Dyke (Somerton and Frome) (LD): It is a pleasure to see you in the Chair, Ms Rees. I congratulate the hon. Member for Brighton, Pavilion (Caroline Lucas) on securing this important debate. England was once a country brimming with wildlife, from bees and butterflies to birds and beavers, but within a few generations everything has changed. Now, time spent in the countryside is often a different experience. The landscape may be green, but it is all but empty. Biodiversity is decreasing: the World Wildlife Fund's "Living Planet" report in 2022 found that wildlife populations had decreased by an average of 69% in the past 50 years.

I am proud to come from Somerset. The county is well known for its stunning nature and diverse range of landscapes, from the Mendip hills to the Somerset levels and moors. Somerset is also proud to be home to many farming communities, but we are really susceptible to the effects of climate change because of the county's low-lying moorland. We have witnessed heavy flooding over recent years. It is all having a devastating impact on our communities and our wildlife.

Farming and biodiversity are intertwined. It is of the utmost importance that hard-working farmers are supported in their efforts to protect and increase biodiversity. Intensive agriculture has been a key driver of biodiversity loss, but that must change. Part of tackling those problems begins by making sure that British farmers get a fair deal and are adequately supported in their efforts to increase biodiversity, because if British farms are financially secure, they can do more to protect nature. That is why the Liberal Democrats would add £1 billion to the ELMS budget to help farms and nature thrive.

Communities are taking action. I am looking forward to the inaugural LandAlive sustainable food and farming conference at the Bath and West showground in November. I have met many farmers across my constituency who have demonstrated to me the benefits that biodiversity brings to their farms, such as the protection of the shrill carder bee, which was once widespread in the south of England but is now limited to just five areas in my constituency around Somerton and Castle Cary. Recorded numbers highlight their decline: just seven were recorded in 2022. Bee numbers are affected by climate change, flooding, loss of genetic diversity and pesticide usage.

Despite this fall in numbers, the Government have authorised the emergency use of damaging neonic pesticides for the fourth year in a row. The national pollinator strategy is due for renewal this year. I hope the Government listen to the criticism of the current strategy and implement a more comprehensive approach that considers the impact on all pollinator species.

I echo the calls for a national invertebrate strategy. Habitat destruction is one of the greatest threats that insects face—for instance, 97% of all flower-rich grassland has been lost in the past 50 years—but local action can be taken to restore diverse habitats. One such measure is the creation of a new 460-acre nature reserve near Bruton called Heal Somerset, which aims to tackle the nature and climate crises while creating new jobs for local people and businesses, alongside designing and delivering projects with the local community. This rewilding project will increase insect numbers and encourage the growth of more plants, including new saplings, while bringing a greater abundance and diversity of species.

The Liberal Democrats want to support such initiatives by introducing a nature Act that would restore the land's natural environment by setting legally binding near and long-term targets for improving water, air and soil biodiversity. Protecting biodiversity requires action that protects and proliferates best practice among all who use the land. A rapid transition that supports British farmers, builds strong, long-term food security, restores biodiversity and ensures we all reach our net zero targets is crucial.

10.10 am

Kerry McCarthy (Bristol East) (Lab): As always, Ms Rees, it is a pleasure to see you in the Chair. I congratulate the hon. Member for Brighton, Pavilion

(Caroline Lucas) on securing this debate. I am sure both of us could spend hours in this Chamber going through all the various aspects of biodiversity loss, but I will not repeat what she has said. I agree with almost all of it.

As the parliamentary species champion for the swift, I am very pleased that the hon. Lady mentioned swifts—I know she shares my enthusiasm. All around the country, local swift groups are welcoming their return. The hon. Lady will know that my sister runs the Save Wolverton Swifts group, which had a party in the streets to welcome the swifts back last week. It really is an iconic species, and we must do all we can to restore its habitat.

We are pressed for time, so I want to focus on a few specific questions for the Minister. The Office for Environmental Protection has warned in its annual report that the Government remain largely off track to meet their environmental ambitions: they are on track for a dismal four out of 40 of their environmental targets. Simply put, the conclusion was that it is not clear whether the Government's plans stack up.

The position is very similar for the Government's climate plans: they were taken to court just a couple of weeks ago, and once again they lost because their plans are inadequate. There is absolutely no point in waxing lyrical about their ambitions and targets unless there are plans to match it. What I am not quite clear about is what happens when the OEP issues such warnings on the inadequacy of the Government's plans. Does that mean that DEFRA now has to do better? Who is holding its feet to the fire? Will it require court cases from organisations such as ClientEarth to do so?

I also want to focus on nature-based solutions to climate change. There is huge benefit in restoring biodiversity and helping with carbon sequestration. I echo what others have said about the huge importance of peatlands. Rather than sequestering carbon, as they could be doing, they are currently releasing it into the atmosphere, because they are not being treated properly.

There is also the issue of nutrient neutrality. The natural environment can play a huge role in climate adaptation, with things like rewilding rivers and planting more trees in strategic places. What I am not clear on is where the lead from the Government is. Biodiversity net gain will be crucial, but so will developing credible carbon markets. All these things are co-benefits. I will end on this point: can the Minister tell us whether there is cross-departmental working so that we can ensure investment into nature-based solutions? That will protect those natural environments in perpetuity, I hope.

10.13 am

Jim Shannon (Strangford) (DUP): It is a pleasure to serve under your chairship, Ms Rees. I thank the hon. Member for Brighton, Pavilion (Caroline Lucas) for securing this debate. I have said it before and I will say it again: she is the environmental conscience of us all in this House. She brings forward issues that we all support. I should qualify that, by the way: I do not always agree with everything, but there are many things that she brings forward that I support. I thank her for that.

It is good news that the Government are committed to halting the decline in species abundance and protecting 30% of land and sea by 2030. As with our net zero targets, we must ensure the correct strategies are in

place to achieve that. I am here to discuss how Northern Ireland can play its part. I always bring a Northern Ireland perspective to these debates. I am ever mindful that the Minister does not have responsibility for Northern Ireland, but I believe in this great United Kingdom of Great Britain and Northern Ireland working together to achieve many goals that are helpful for us all.

At the end of 2023, it was revealed that Northern Ireland is one of the most nature-depleted areas in the world, according to the 2023 "State of Nature" report. I was shocked to learn that 12% of species assessed across Northern Ireland are at threat of extinction, which is what the debate is about, and the hon. Lady set the scene well. The report revealed that the abundance of farmland bird species has on average fallen by 43% since 1996. It also found a 14% decrease in the number of flowering plants in Northern Ireland since 1973, so there is lots for us to do in Northern Ireland, and we have some targets that the Department back home—the Department of Agriculture, Environment and Rural Affairs—can try to achieve. Among the species that have been identified as at risk of extinction are the basking shark, the Atlantic salmon and the Irish damselfly—the first two being native to Northern Irish and Republic waters. We have been hearing recently about blue-green algae appearing in Northern Ireland waters. Lough Neagh, the biggest freshwater lake in the UK, has been severely affected in particular.

Having healthy seas will help to regulate the climate and reduce the negative impacts. I represent the fairly coastal and agricultural constituency of Strangford, which is full of biodiversity, and that is why I am a great supporter of preserving nature and taking those small but necessary steps to protect it. There needs to be a joint approach and effort throughout the United Kingdom and further afield to do so. I declare an interest as a landowner and member of the Ulster Farmers' Union. We have planted on our land and farm some 3,500 trees and created two ponds for habitats. We have retained the hedgerows to ensure that the young birds, butterflies and insects can thrive. We have also been told to, and we have to, control the magpies, crows and foxes. We try to keep that balance in the countryside, and we are doing that—hopefully—fairly well.

I have also been involved in a project for black bees. Irish black bees are almost extinct, but they are coming back. Chris and Valentine Hodges have been instrumental in that. There are three estates close to us that have them, and we have them at our farm as well. Irish black bees are coming back because people are making an effort.

Having sustainable habitats protects species, as they have the environmental conditions and resources needed to survive. It is understood that DEFRA has a target to create and restore some 500,000 hectares of wildlife-rich habitats. We have seen this year especially a drastic increase in the amount of rainfall. Of course, the rainfall has been enormous these past three months, but there has not been a lot in other years. Changing weather patterns alter the seasonal timing of certain species' life-cycles and can lead to ecological mismatches. On habitat loss, level rise will affect coastal habitats through saltwater intrusion and erosion.

There are recommendations for improvement, which include setting targets we can meet, ensuring robust monitoring, and co-ordinating a joint approach across

[*Jim Shannon*]

the whole United Kingdom of Great Britain and Northern Ireland to ensure that as a collective we can tackle biodiversity loss. I praise the hon. Member for Brighton, Pavilion for the work she has done on the matter. I am keen to learn more about what steps we can take to preserve nature, and so I look to the Minister for answers on how we can do it much better.

Christina Rees (in the Chair): Before I call Alex Sobel, I would like to thank all Back-Bench speakers for sticking within the informal time limit—I appreciate it.

10.18 am

Alex Sobel (Leeds North West) (Lab/Co-op): It is a pleasure to see you in the Chair, Ms Rees. I thank the hon. Member for Brighton, Pavilion (Caroline Lucas) for securing the debate and for mentioning and supporting my Climate and Nature Bill, which gets its Second Reading on Friday. I thank my hon. Friend the Member for Sheffield, Hallam (Olivia Blake) for bringing forward the Climate and Ecology (No. 2) Bill, of which the Climate and Nature Bill is an iteration. If I am not successful on Friday, I am sure that we will see future iterations of the Bill as the matter has so much support across the House.

The covid-19 pandemic laid bare the interdependence of people and nature. It is no longer possible to deny the fact that human health is linked to our use and abuse of the environment. The biodiversity crisis is a cultural, social and economic one. As humans, we are not simply observers of nature but an integral part of it. We need an approach that collaborates across Departments, sectors and nations to even begin to save our natural environment.

Wera Hobhouse: Does the hon. Gentleman agree that people understand a lot more about the concept of net zero, and therefore combining net zero with nature loss is so important for bringing people emotionally on side?

Alex Sobel: I thank the hon. Lady, who serves alongside me on the net zero all-party parliamentary group. She has foreshadowed what I was going to say next: nature is essential to the future of all, and yet environmental degradation occurs disproportionately in, or around, low-income areas where a high percentage of people of colour live. Our approach must ensure a thriving natural environment for all.

The House probably knows that I have a long history of raising the subject of insects. In fact, I introduced the first insect population loss debate in 2019, in this Chamber. I think it was the hon. Member for Taunton Deane (Rebecca Pow) who provided the ministerial response to that debate, and she will be responding to this one as well. I wanted to call it insectageddon; unfortunately, the House authorities would not allow such a title. Sadly, we remain in the same position on insect loss. The decline in insect populations is one of the lesser-known tragedies of the human effect on the environment. Where insects go, all other species follow.

Let's not mince our words: the rise in the human population and the loss of pollinating insects sets us on a road of cyclical starvation. We will lose the production of some crops, particularly those best for health and wellbeing. The role that insects play in food security is pivotal. Dung beetles, for example, save the cattle industry an estimated £367 million a year. The national pollinator

strategy is set to be updated this year. There has been a successful educational piece on the role of bees in food security, but we need to go further and highlight the impact that invertebrates have, too. I hope the Minister can address that point.

Education will also be central to mending the heartbreaking lack of care that humans have for the natural environment. There are countless young people in particular who have shown outstanding leadership in this area, and I thank them for their bravery. Lots of organisations, as well as the Environmental Audit Committee, on which I used to sit, have noted that changes could be made to the school curriculum. For example, a new GCSE in natural history would teach children and young people skills in observing, naming and recording nature. There is a significant skills gap in ecology, which means that devolved and local authorities are simply unable to prevent further losses, let alone increase biodiversity. Adding this GCSE to the curriculum, which is to be done by 2025, will create a skilled workforce that can go into jobs in the natural world.

The practical skills that curriculum and skills initiatives provide are just one side of nature education. The second is encouraging people, not just young people but the whole population, to experience, celebrate and learn about nature in a holistic way. People are spending less and less time outdoors, and we know that this lack of connection results in a lack of appreciation of, and value placed on, nature. We can change that by improving access to nature in both urban and rural areas through, for example, expanding initiatives such as forest education schools—particularly to areas of high deprivation, where we know that children virtually never visit the environment. To build on that, we could create a national nature service so that young people can experience nature jobs and think about working in ecology in the broadest sense.

I spoke briefly about tackling green skills shortages through nature education, but the UK must set out how it will fund these skills. No matter how many well-intentioned speeches we hear about the need to create green jobs, if there are no proper financial incentives, then devolved and local authorities will simply be unable to help us to reach the 2030 goals that we signed up to at Kunming-Montreal.

We cannot decouple the crisis that the natural world faces from the economic crisis and the climate crisis. Economies are embedded in, rather than external to, nature. When we recognise that, it becomes blatantly obvious that depleting nature risks the health and wellbeing of everyone. What this demands, then, is a fundamental and transformational change of how we measure economic success. GDP does not take into account the depreciation of natural assets, despite the natural environment being the key decider of our future success. If we do not move into inclusive wealth measurement, we will continue running ourselves into the ground, destroying more and more of the natural environment. At their core, economies do not value the natural world and therefore cannot address biodiversity loss.

People should have the right to experience the benefits of nature and a healthy environment, and the right to play a meaningful role in restoring and protecting that environment. The crises we face—of poor mental health, food shortages, conflicts and socioeconomic inequality—are all connected, and nature is the key intersection. We must tackle the nature crisis.

10.24 am

Steven Bonnar (Coatbridge, Chryston and Bellshill) (SNP): It is always a pleasure to see you in the Chair, Ms Rees. I thank the hon. Member for Brighton, Pavilion (Caroline Lucas) for securing this important debate on biodiversity loss.

We can be in no doubt that biodiversity loss and the biodiversity emergency are intrinsically linked to the climate crisis. Scotland's outstanding natural environment is one of our country's greatest assets and it is something that every Scot is rightly proud of. We must do everything we possibly can to protect it.

Our nature attracts millions of visitors each and every year, and supports our exports of high-quality produce, as well as protecting those who produce it for us. Maintaining this resource is vital to Scotland's continued success and it is critical that we manage the water environment to ensure that the needs of our society, economy and environment can be met for future generations to come. Restoring this natural environment is a key way to address the twin challenges of nature loss and climate change. That includes many of the interventions championed by the Scottish Rewilding Alliance, which is doing some fantastic work up the road.

The SNP's £65 million nature restoration fund has committed nearly £40 million since 2021 to unlock the full potential that nature restoration projects can bring to local communities. The fund has supported local businesses to boost nature tourism, helped landowners with pollinator projects to boost local food production, and supports river and woodland restoration.

In the last five years alone, Scotland has contributed to around 75% of new woodlands across the United Kingdom. Scotland's stunning national parks also bring significant benefits to the local communities they serve through collaborative working to support thriving local economies, maximising the benefits of the environment, the climate, the economy and the local people. In 2022, nearly £450 million was generated in local economies through visitor and tourism businesses. Our parks also play a key role in supporting our farmers and crofters, working with them to develop and deliver collaborative, nature-friendly, carbon-neutral projects and practices.

The SNP Scottish Government's recently published Scottish biodiversity strategy sets out how key sectors will deliver work to combat biodiversity loss, including in planning, agriculture, forestry and water management. The delivery plan sets out the actions needed to halt biodiversity loss by 2030 and to reverse biodiversity declines by 2045, with action needed across the whole range of Government, business and of course local society. The plan presents a nature-positive vision for Scotland, one in which biodiversity is regenerating and underpinning a healthy and thriving economy and society, playing the key role that is so important in addressing climate change. The SBS will be implemented through a series of delivery plans, covering a five-year period.

Scotland's rivers define our iconic landscapes. From mountain tributaries to estuaries flowing into the oceans, they provide vital water and rich habitats, helping us to adapt to global threats, including climate change and water scarcity. The SNP has many innovative initiatives under way in Scotland to nurture, improve and protect our rivers. Since 2021, the Scottish Government's nature restoration fund has awarded in excess of £2.3 million

for projects to restore and revive river habitats, and to improve their resilience to climate change. We are working closely with partners to develop integrated catchment management techniques to restore rivers and to improve natural flood management measures.

Over the past decade, Scottish Water has reduced environmental pollution incidents by 60%—they are down from 800 in recent years to 300 this year—despite increasingly challenging weather patterns. It has also invested £880 million in targeted improvements to environmental quality.

We are clear that Scotland remains fully committed to achieving our net zero targets by 2045. We are already around halfway there and continue to decarbonise faster than the UK average. The SNP is utterly focused on and committed to tackling the climate emergency.

Of course, the Climate Change Committee has advised that the 2030 target set by the UK Parliament is beyond what it considers to be achievable. That is disappointing news. However, its latest report also contains much to be proud of. Scotland has made strong progress to date, with emissions cut in half and, as I have said, it is decarbonising faster than the UK average.

Between 1990 and 2021, Scotland's emissions halved, while the economy grew by 57%. That clearly demonstrates that a thriving economy and falling emissions are not just compatible but can actually support each other. We will continue to help businesses and investors through the development of a new green industrial strategy, so that the people of Scotland can share in the enormous economic opportunities of the global transition to net zero.

By contrast, the UK Government are falling behind in the global race to reap the economic benefits of the race to net zero, and have failed to rise to the challenges set by the Inflation Reduction Act in the United States and those set by our European partners. Collectively, we need to seize the opportunity to reaffirm our commitment and implement the robust measures that are required. It is time to lead by example in the fight to preserve our planet's biodiversity.

10.30 am

Mr Toby Perkins (Chesterfield) (Lab): It is a great pleasure to serve under your chairmanship, Ms Rees. I congratulate the hon. Member for Brighton, Pavilion (Caroline Lucas) on securing this much-needed debate, and on the recent publication of her book on this issue. I am not sure whether this will be the last time I get an opportunity to respond to her, so I congratulate her on the contribution that she has made over the 14 years that she has been in Parliament and wish her well for all that she does in the future.

It has been an incredibly important and valuable debate, and I am really grateful to everyone who has contributed to it. The fact that we have had to limit people's speaking time shows that this subject enjoys a great deal of interest in this place. Indeed, we could have had a debate that was twice as long and still had much more to say. It has been incredibly valuable.

I will reflect on a few of the contributions to the debate, both at the start of my speech and as I go through my remarks. The hon. Member for Brighton, Pavilion made the crucial point that we are inextricably linked to nature, and that the success of the human race

[Mr Toby Perkins]

and the success of our natural environment go absolutely hand in hand: we should not see them as being in conflict. The approach that the Labour party will take, and that we must all take as a society, is to recognise the need for us to work together. She also talked about the reintroduction of species such as beavers, which I feel very strongly about. We need to see a greater focus on that. We had a very interesting debate yesterday on species decline, and that is just one area.

The right hon. Member for Chipping Barnet (Theresa Villiers), who was undaunted by making the only substantive Conservative Back-Bench contribution, made a number of important points, one of which was to reflect on the importance of the Environment Act. One point that has come across strongly in this debate is that it is all very well to have targets, but if we have legally binding targets that we do not achieve, they simply become a fig leaf to cover the Government's lack of performance and activity. She also highlighted the importance of the British overseas territories. I do not think that other Members made that point, but it was certainly made strongly yesterday and needs to be taken seriously.

Wera Hobhouse: I have just been at an infrastructure committee meeting, where the point was made that the Government can break the law. Would the Prime Minister go to court? No, he would not, so we need a Government who are seriously committed to the targets that we set ourselves and put into law, and who are not just paying lip service to that commitment.

Mr Perkins: I thank the hon. Lady for that point. I will say more on COP shortly, but it is incredibly important. It would be hugely damaging if, as a result of the Prime Minister's endless delaying of the general election, Britain's contribution to COP16 became lost amidst the election, which could take place at a similar time. I will press the Minister on what the Government's approach to that will be.

As many colleagues have rightly noted, our country is now one of the most nature-depleted in the world, which has devastating consequences for us all. My hon. Friend the Member for Mid Bedfordshire (Alistair Strathern) reflected on the fact that not a single river in Britain is in good condition. My hon. Friend the Member for Sheffield, Hallam (Olivia Blake) spoke about the positive work that is being done in the Rivelin valley in her area, as well as about the challenges faced by those who are passionate about maintaining the high quality of that river.

I am sure that when the Minister responds she will point, as she did yesterday, to the binding targets of the Environment Act. We are constantly told how ground-breaking they are—but setting legally binding targets that the Government then fail to meet is not cause for a lap of honour. My hon. Friend the Member for Bristol East (Kerry McCarthy) asked some important questions on that. We have legally binding targets. What is the response of the Government and what are the opportunities for people to hold the Government to account if they fail to make those targets by 2030 and if, as currently, they are not on track to achieve those targets? What is the purpose of a legally binding target that a Government then go on to miss?

One in six species in the United Kingdom are at risk of extinction. Other people have referred to the Office for Environmental Protection's report. The Government are off-track to meet all of their commitments on nature and the environment, including their goals to halt biodiversity loss. The biodiversity targets agreed at COP10 were missed by a country mile, and we are yet to see the Government's plan for meeting the Montreal framework targets agreed at COP15. Just 3% of our land and 8% of our seas is currently protected for nature. It is crucial that the Government's plans live up to the size of this moment.

My hon. Friend the Member for Croydon North (Steve Reed) has set out Labour's commitment to the targets in the Environment Act. We will look to deliver where the Conservatives have failed, including halting the decline of British species by 2030, and will be committed to honouring the international agreement to protect 30% of the UK's land and seas for nature by 2030. We must be clear that our country cannot achieve the targets that have been set by continuing on the course that it is currently charting. Labour will review the environmental improvement plan and take steps to get Britain back on track.

The hon. Member for Strangford (Jim Shannon) spoke about the importance of habitats, such as wetlands, peat bogs and forests, both for families to explore and for wildlife to thrive. Keeping those nature-rich environments at the forefront of our mind is very much within Labour's approach.

The Government have a target to bring 70,000 hectares of ancient woodland in timber plantations into restoration by 2030. That is an ambitious target. We support it. Last year, they brought just one hectare of these irreplaceable habitats into restoration. It is simply not good enough. As a country, we are not on target for what we have already committed to.

Farmers are the custodians of habitats in all four corners of the United Kingdom. They know and cherish the land they work like nobody else, and in many cases they plough the same furrow for generations. The Labour party respects the crucial role played by farmers and farming communities. Government must do much more to support farmers moving to different practices that carve out a role for nature alongside their crucial role in food production.

Several Members mentioned the failure of the environmental land management scheme. Some suggested more money is needed. The truth is that the Government are not even spending the money that they have currently allocated. As for going to the Treasury and demanding more money for ELMs, the first response will be, "Spend the money that you have currently got." That will be the No. 1 priority for a future Labour Government.

The number of farmland birds has reduced by 50% since 1970, while more than a third of nutrient pollution in rivers is caused by agricultural run-off, making it all the more insane that we have all this unspent money in the ELMs budget. Farmers want to make these changes. They value the natural environments in which they live and work, but they often face impossible choices. This year, we have seen crops washed away and farmhouses become islands in torrential downpours. A staggering 82% of respondents to the National Farmers Union survey said that their farm business had suffered negatively

owing to the weather, and yet the Government's response has been far too pedestrian, given the size of the crisis facing farmers.

Ensuring that ELMs delivers for farmers is a crucial priority, as the hon. Member for Somerton and Frome (Sarah Dyke) said, so will the Minister explain why so much money allocated for farming transition is being sent back to the Treasury unspent? Will she confirm whether the Government will publish the land use framework before the general election?

Like my hon. Friend the Member for Mid Bedfordshire, I am proud to represent the party that created national parks 75 years ago. That achievement shows the progressive changes that only a Labour Government can deliver. However, a recent report by the Campaign for National Parks found that just 6% of land in national parks is being managed effectively for nature. At the same time, as the hon. Member for Bath (Wera Hobhouse) said, only a third of sites of special scientific interest are currently in good condition. Those sites are actually in worse condition than national parks. That is utterly perverse, and reflects a failure of policy and a betrayal of the intentions set out by the post-war Labour Administration. Protected sites ought to be where nature particularly thrives, and must be the cornerstone of any strategy to restore biodiversity in the UK.

The nature crisis is global, as my hon. Friend the Member for Leeds North West (Alex Sobel) said, so we must be clear about the need to collaborate with international partners. The UK played a positive role in ensuring that the crucial commitment to nature recovery enshrined in the Kunming-Montreal global biodiversity framework becomes reality. The UK should be a leader on the global stage when it comes to the environment and nature. I have to say that under the current Prime Minister, there has been far less of a commitment than there was under Boris Johnson. Since Montreal, the Government have shown very little interest in making good on that momentum. They have failed to deliver their targets domestically or on the international stage. A Labour Government will take on that mantle and drive international agreement and collaboration.

Will the Government treat the forthcoming COP16 with the urgency and seriousness it warrants? Does the Minister agree that it would be a tragedy if one of the impacts of the delayed general election was that Britain failed to focus on its contribution to Colombia because COP16 coincided with a general election campaign?

The need to tackle this crisis is urgent. Under Labour, we will have a Government who recommit to the environmental improvement plan targets, tackle the failure in our water industry and support farmers to play their crucial role in a way that boosts, rather than depletes nature. We will grow nature-rich habitats, get the environmental land management scheme working and end the failure that has resulted in too much being unspent. Finally, we will bring forward the land use framework and support farmers and communities by creating a flood resilience taskforce. Change is coming, Ms Rees. It cannot come a moment too soon.

10.43 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): It is a pleasure to see you in the Chair, Ms Rees. You are keeping everyone to time—excellent.

I thank the hon. Member for Brighton, Pavilion (Caroline Lucas) for securing this debate. I expect no less of her: this is the kind of subject that we have heard her speaking about, certainly throughout the time that I have been in Parliament. Although we have our differences, we have certainly had a great deal in common over all these years, so I thank her for her work as she leaves this place.

We had an impassioned debate on biodiversity in Westminster Hall yesterday, in which a great many Conservative colleagues spoke. Like this debate, it was very full. Although we have our differences, we are all singing from the same hymn sheet of loving nature and knowing that it is intrinsically part of how we live. We know we cannot deal with the climate crisis and climate adaptation without tackling biodiversity and nature. That is a given, and it is something I have worked on since I have been in Parliament.

I was interested to hear that the hon. Member for Leeds North West (Alex Sobel) held the first debate on insects, because I held the first debate on soil, of which I am very proud. That is firmly on the agenda now: we are paying farmers to look after their soil. We have made so much progress.

We know that half the global economy depends on nature and biodiversity. There are many reasons for looking after it, but that one is important. We have heard some stark stats about the disaster—we know that—which is why we must do something about it. It is not a question of shall we do something about biodiversity; it is an absolute must.

The hon. Member for Brighton, Pavilion called for a decade of action. She was suggesting that nothing had happened and that everything was terribly negative, but has she been listening? We have made enormous progress on that agenda in the past decade, at home and on the international stage—one cannot do one without the other. The critical thing is that the Government have done more than any other Government, which is to set the framework that we must have. We cannot tackle this with individual, itchy-bitsy pots; we need a framework. That is why it was so important to introduce the Environment Act—many of us present were involved in that. It is a globally changing Act, and no other Government have produced such an Act. That sets the framework.

We have passed legislation to protect our environment. We legislated and set a target for restoring nature by 2030. One can criticise that all one likes, but the target is challenging and legally binding. We have four legally binding biodiversity targets. We also have legally binding tree targets and we have targets in a number of other areas, such as water and air. The structure is there, as is the framework for how we will get there.

Caroline Lucas: I thank the Minister for her kind comments, but a number of us have made the point again and again that targets on their own are not sufficient, if we do not meet them. It is not just us saying that; her own watchdog, the Office for Environmental Protection, says that we are only on target with four out of 40, and that the prospect of meeting targets and commitments is “largely off track”. I put it to the Minister that yes, some progress has been made, but overall we are massively off track. Her tone, frankly, strikes me as rather complacent.

Rebecca Pow: I have to take issue with that, because I am trying to say that we have the framework and targets in place. The OEP came out with a somewhat critical report, but it will have better evidence next time. We will produce the next environment improvement plan in the summer, and it will only be the second one. As the hon. Lady knows, this is tricky and complicated. We have teams of people working in DEFRA, such as biodiversity experts, and scientists feeding in on whether these are the right targets and how we will hit them, as well as advising us on how to set policy to get to the targets. A huge amount of work feeds into that. We are working closely with the OEP to ensure that it has the right data and evidence so that it can see the trajectory to the targets. I am not saying it is easy, but we have the plan.

I want to talk about some of the things that we are doing to make progress. We have to tackle this from every angle: for example, we have to create and restore habitats, and connect wildlife-rich habitats. We have to tackle the pressures on biodiversity and pollution and we have to take action for species. We have an overall nature recovery plan for large-scale habitat creation. That includes a number of schemes, and Natural England is working on building on that.

Nature-based solutions are a big part of that—they have been mentioned and are important. Only last year, we launched a new £25 million fund for nature-based solution projects. We are using nature-based solutions in a whole range of ways, such as flood control, biodiversity and sequestration. A huge amount of work is going on. My right hon. Friend the Member for Chipping Barnet (Theresa Villiers) recognised the complexities and the need to look at this from every single angle, which is why—as many have said today—our farmers are so important.

Farmers and landowners farm 70% of our land. We had a really successful Farm to Fork event yesterday in No. 10, with some positive outcomes. The farmers understand their role in producing sustainable, secure food supplies, but that must be linked to environmental recovery and protection. That is what all our new schemes are completely focused on, and they are world leading.

Theresa Villiers: One of the most alarming aspects of the nature crisis is the collapse in insect populations. It would be good to understand from the Minister what key things the Government are doing on that, including through the ELM scheme.

Rebecca Pow: That has been raised by many. We have a bee unit in DEFRA working on that, with our bee pollinator strategy, and on invasives such as the Asian hornet. We have to tackle all those issues. That is why integrated pest management is one of the planks of the new sustainable farming initiative. That pays farmers to do other things so that they do not have to use pesticides, such as use bio-controls, which I do in my own garden because I garden organically. That initiative is on a big scale and also harnesses technology and innovation. For example, if it is necessary to spray, just spot spray.

All of that technology is moving forward. Farmers are moving with us and being paid to do it. We have guaranteed the funds that they got from the common agricultural policy. My right hon. Friend the Member

for Chipping Barnet was there when we announced all the new schemes at DEFRA. Leaving the CAP gave us a huge opportunity to do something completely different. That is under way and we have had 22,000 farmers sign up to our sustainable farming initiative already. It is the most successful scheme DEFRA has ever run, and it will increase.

Countrywide stewardship is still running and we have increased the payments. We are looking all the time at how the actions will operate and what we need to deliver those targets. I say to the hon. Member for Brighton, Pavilion that we are looking at this all the time, and feeding it in to work out how we can hit the targets and deliver the food. That is very much what we are doing.

Peatland was mentioned by the hon. Member for Strangford (Jim Shannon) and peat areas are hugely degraded. We know we have to focus on this area, so we have a special fund for that from our nature for climate fund. We have a target to restore 35,000 hectares by 2030 and we have already done 27,000 hectares. Great projects are going on all over the country, including in Somerset. Somerset, including the Somerset Wildlife Trust, has huge benefit from millions of pounds from these funds. They are doing good work, with the farmers and the Government, to restore these precious environments, though we need to do more.

We also have the species survival fund. Some individual species need special habitats, so we have a fund for them. We are restoring habitat in an area equivalent to the size of York to deal with certain species—on chalk rivers, coasts, coastal marshes and plains, including in Dorset. I went to Bucklebury Common and saw heathland being restored, where adders and nightjars are returning. With the right management, we are getting those creatures to come back.

National nature reserves were mentioned. Yes, they are a cornerstone; they are critical to delivering our target of 30% of protected land. We have 219 national nature reserves, and in 2023 and 2024 we created another three, with another three on the cards. Those are cornerstones, with farmers working in them as well, helping us to deliver nature. I say to our Scottish friends, who tell us how good they are on biodiversity, that they could look at why they have cut their tree-planting grants enormously. That is going to have a huge effect in Scotland.

There are other measures, such as local nature recovery strategies, that are being worked on. They will help to inform us where we want the nature—what should go where—and they are already under way. Biodiversity net gain is a game changer and, again, globally leading. To legislate so that every development has to put back 10% more nature than was there when they started is a game changer.

I must mention swift bricks because I am a huge swift lover. Yellowhammers are one of my favourite birds and we are getting them back through the hedgerow protections we have just introduced. The hon. Member for Brighton, Pavilion made a good point about swifts. We have been talking to the Department for Levelling Up, Housing and Communities about that. Many developers are already doing swift bricks. The hon. Member for Somerton and Frome (Sarah Dyke) mentioned it, and her planning authority could specify that it wants developments to have swift bricks. These things can already be done and

I urge people to do them. There is a biodiversity metric on swift bricks. That is how developers work out the biodiversity net gain they must add. For example, they are looking at swift bricks and how many points they would get in the metric to see if they can get that into the net gain tool, so that piece of work is definitely under way.

Mr Perkins: I will be quick. I do not want the Minister to miss the question from my hon. Friend the Member for Bristol East (Kerry McCarthy). She keeps referring to legally binding targets. What happens in the event that the Government do not meet those targets?

Rebecca Pow: The point is that we have legally binding targets and a remit to report on them, so everything that we are doing is so that we can drive towards our targets. We have targets and carbon budgets, and we report all the time. That is how we work; we will aim to hit our targets, and the OEP will hold us to account on that. Do not forget that it was this Government who set up the Office for Environmental Protection to have a body to hold us to account. Again, that is a game changer.

We have something called a species abundance indicator, which is the official statistic telling us how we are doing on our species. We need that so we can work out how we are getting to our targets. We published the official statistic last Friday, and I urge people to have a look at that. It is a complicated tool, covering 670 species used as indicators of how we are doing on our targets and informed by an expert committee. Although there are real problems, it said that the indicators show promising progress towards levelling off. That was announced last week, and I urge hon. Members and hon. Friends to look at that.

I will move on to the international stage, which everybody has mentioned and is absolutely critical. We are considered world leaders working on the international stage. Many hon. Members here have taken part in the various COPs, and we have COP16 coming up. The UK was at the forefront of the international efforts to agree the landmark Kunming-Montreal global biodiversity framework to halt and reverse biodiversity loss. We have also legislated to halt and reverse biodiversity loss in this country and we are putting our money where our mouth is. Nobody is saying that it is easy.

We are working on our UK biodiversity strategy right now, and it should be published in the summer. The overseas territories are a really important part of that and of our nature, which was mentioned. They contain 94% of our nature. I chaired a meeting just yesterday with all the OTs, even those as far as the

Pitcairn Islands and St Helena. They all joined that meeting, because they are all working on their biodiversity strategies; we will put those together and they will be published. The UK national biodiversity strategy and action plan was mentioned by many hon. Members, and it will be published imminently. It is UK-wide, and I will just put it out there that the devolved Administrations must play their part and agree their bit. It is important and we want to get it out.

Before I finish, I must touch on finance. Climate finance and international nature finance are critical: we cannot do any of this without getting that right. We have a green finance strategy across Government. A question was asked about if we worked across Government, and we are working on how we get the nature funding flowing around the world. We have already committed £11 billion in our climate finance commitment. I will wind up there, apart from saying that oil and gas were raised in the debate. Some 47% of our energy last year came from renewables, and an enormous shift has happened under this Government. I thank everyone for taking part in the debate. We understand that this is a crisis, but this Government have set us on the pathway to addressing it.

Christina Rees (in the Chair): Caroline Lucas, you have just under one minute.

10.59 am

Caroline Lucas: Which is not enough time to be able to respond to what I have heard, Ms Rees. I thank all hon. Members for sharing their concerns. Some key themes have come up again and again, one of which is around peatlands and why on earth we are still setting fire to peat, which makes no sense at all. Can we please take that away?

We have talked a lot about targets, but not about delivery plans to actually meet those targets, and as far as I could hear we still have no answer on what happens when legally binding targets are not met. I do not know if that means that we would have to take the Government to court again—that is becoming a bit of a routine, but if necessary I am sure that it will be done. I want to ensure that we do not have fossil fuel extraction in marine protected areas, and again, that just seems to be madness. At the end of the day, I want the Minister to take back to her Department and others across Government that this issue is so urgent, and while I know she cares about it, there is complacency. That needs to be addressed. We need urgent action, and we need it now.

Motion lapsed (Standing Order No. 10(6)).

No Recourse to Public Funds

11 am

Beth Winter (Cynon Valley) (Lab): I beg to move,

That this House has considered the matter of no recourse to public funds

Diolch yn fawr, Ms Rees. It really is a pleasure to serve under your chairship for this short debate. I am grateful for the opportunity to raise the no recourse to public funds conditions, which I am aware have been discussed previously in Parliament. For example, my right hon. Friend the Member for East Ham (Sir Stephen Timms), who is the Chair of the Work and Pensions Committee, made a number of requests of the Government a year ago, most of which have not been addressed, hence the fundamental need to continue pressing the Government to recognise and react to the hardships caused by no recourse to public funds. It is inhumane, it is cruel, and it is forcing some of the most vulnerable people into poverty and hardship.

I sought this debate because I was inspired, as we so often are in this place, by a meeting with a local constituent who is in need of support and whom I believe has been failed by the current system. My constituent accompanied her husband to Wales as a student, also bringing their children, several years ago. An unfortunate and unexpected diagnosis of a serious health issue compromised their ability to work and be self-sufficient, so the constituent has no recourse to public funds and has been reliant on a local charity for support with housing and other costs, but that too has now ended due to a lack of funds. We are living in a cost of living crisis, and the family is struggling on a daily basis, unable to pay rent, utilities and bills. We as an office have supported the family as much as possible with food bank vouchers and by co-ordinating with local churches. We should not have to do that. They should not have to come to us for help and support; it should be provided as a basic need and right wherever and however people come to our country.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Member for Cynon Valley (Beth Winter). Does she agree that we must ensure that anyone who has a right to be in this country has access to food and medical care, no matter what form that right to be here takes, and that there is a basic level of moral obligation that anyone in this nation should expect to be fulfilled?

Beth Winter: I thank the hon. Member for his intervention and I wholeheartedly agree. It is a moral duty for us as human beings to provide the basics for anybody to survive. I am very aware of the detrimental impact that no recourse to public funds has on the health and wellbeing of far too many people. The exclusion of people with a no recourse to public funds restriction from the benefits system increases their risk of living in destitution and puts significant pressure on local authority services. Millions of people—an estimated 2.6 million at the end of 2022—resident in the UK with temporary leave to remain are subject to no recourse to public funds conditions, which prevent them from accessing most welfare benefits and social housing. The cost of living crisis has affected people across the country, but increases in energy bills and food prices have a greater impact on low-income households.

Ian Byrne (Liverpool, West Derby) (Lab): My hon. Friend is making an excellent speech. Two years ago, the Government committed to a consultation of permanently extending the Healthy Start scheme to households with no recourse to public funds. However, the consultation has still not happened. Does my hon. Friend agree that that delay from the Government is shameful, and that the Healthy Start scheme that provides families with support to get food and milk for young children should be permanently extended to those subject to no recourse to public funds as a matter of urgency, as called for by organisations such as Feeding Liverpool, the Food Foundation and Sustain?

Beth Winter: I fully agree with my hon. Friend that that initiative should be provided to everyone, regardless of their circumstances. It is shameful that that is not happening at the present time.

Low-income households that would be eligible for social housing and universal credit but for the no recourse to public funds conditions are more susceptible to the effects of the cost of living crisis and are excluded from much of the financial support that can help with increased costs. It is therefore even more vital that access to devolved schemes of assistance that are not classed as public funds is facilitated for people subject to no recourse to public funds. It is for that reason that I truly believe we must end the no recourse to public funds condition. It is cruel, it increases child poverty and destitution, it burdens local authorities just as this Conservative Government cut their grants, and all of that has a knock-on effect for social justice and public health, which themselves are costly to the public purse and have long-term societal effects.

I want to take a moment to thank those organisations that have been in contact with me and raised some of the concerns about no recourse to public funds. The Bevan Foundation in Wales in particular has conducted a piece of research that has produced a document of great significance, with a series of recommendations for local authorities and Welsh Government, from which I believe the UK Government would benefit. I will send the Minister a copy of that report following the debate. I thank the Welsh Refugee Coalition, Migrant Voice and the Food Foundation for their suggestions and their tireless campaigning work. I also want to highlight the recent joint report from the all-party groups on poverty and on migration, of which I am a member. Again, I can send a copy of that report to the Minister.

I will pull out some of the recommendations that those practitioners have said would improve conditions for people subject to no recourse to public funds. The first looks at the support needed by local authorities. The cost of providing accommodation and financial support to no recourse to public funds households continues to rise, with a 22% increase from £64 million to £78 million at the end of 2021-22, which is far above inflation. Those costs should be met by the UK Government. That is why the Bevan Foundation has argued that the UK Government should end visa restrictions on accessing public funds. That is the fairest way to support people without settled status and their children, and safeguard them from deep poverty and destitution. Welfare benefits should be a safety net for all, regardless of their immigration status.

Secondly, we need to extend the scope of legal aid. People are being prevented from exercising their legal rights to apply for leave to remain, to change and renew their status and to lift no recourse to public funds conditions, which results in an inability to move on from destitution. Wales has been described, and rightly so, as an “advice desert”, with no immigration and asylum legal aid provision outside Newport, Cardiff and Swansea, apart from a single solicitor—yes, one—based in north Wales, in Wrexham. Even in those areas, firms are closing and provision is in sharp decline. Practically all immigration legal providers in Wales are currently closed to referrals, meaning people are being denied justice.

Elsewhere, there is a need to reduce immigration application fees. Costs are prohibitive, preventing people from exercising their legal right to remain and settle, and driving them into poverty, hardship and destitution. Additionally, there is a need to shorten long settlement routes to a maximum of five years, as the recent report by the all-party parliamentary groups has argued. Long periods with no recourse to public funds inevitably increase the likelihood of entrenched poverty and destitution. Breaks in leave to remain mean that children can spend almost all their childhood in poverty. Those are our future generations and we should be investing in our children and young people.

There is also a need to exempt key benefits and schemes from public funds. The Government should enable councils to provide discretionary cost of living and emergency support to all residents in need by removing discretionary welfare payments from the list of public funds, as has been done in my country of Wales. They should also remove child benefit from public funds and give access to childcare, as is also happening in Wales; as my hon. Friend the Member for Liverpool, West Derby (Ian Byrne) has said, they should open access to the Healthy Start scheme to all low-income pregnant women and families with no recourse to public funds. Finally, all victims of domestic abuse should be eligible to gain access to public funds under the migrant victims of domestic abuse concession, regardless of immigration status.

The policy of no recourse to public funds is a key part of this Government’s cruel, inhumane and discriminatory migration policy, which seeks to punish and scapegoat some of the most vulnerable people in our society. We should welcome people to our shores, as encapsulated by the Welsh Government’s commitment to being a nation of sanctuary, and enable people to thrive, integrate and contribute to our communities. People have so much to contribute, and a humane approach would include allowing asylum seekers the right to work. We are in a perverse situation, where people awaiting the processing of their asylum applications cannot claim basic human rights in the form of benefits, but are prevented from working. People have lots to contribute—we should allow them to work and contribute to our economy, which in the long term will result in both financial and social benefits for our whole society.

We need to focus on clearing the backlog of applicants through fair decisions. I have been involved in interviews with the all-party group on poverty with people who have been waiting years to hear whether they will be allowed leave to remain. That is inhumane. There is no need for that to happen. Finally, we need secure and

safe legal routes, as Care4Calais and PCS have advocated through their safe passage visa scheme. Again, I will supply the Minister with a copy of the brilliant report that they produced advocating that.

The UK Government should work in partnership with devolved, regional and local governments to develop a comprehensive refugee integration strategy, which should implement the recommendations of the Windrush lessons learned review, including the creation of a migrants commissioner to ensure that those affected by immigration policy have their voices heard. If the Government are going to take seriously the dual tasks of reducing poverty and making migration policy work, they will need to better connect policy making across Government Departments and between national, devolved, regional and local governments, as well as working in partnership with civil society, which wants a fair and humane migration policy.

There is much more that can be said, but I am conscious that we have only half an hour this morning; I have referred to several pieces of research and evidence, with which I will supply the Minister and which give far more detail. What is clear is that the beneficiaries of a more joined-up, evidence-based and humane policy would be beneficial not just to migrant communities, but to each and every one of us, by ensuring that nobody in the UK, wherever they are from and whatever their situation, faces poverty and destitution.

11.14 am

The Minister for Legal Migration and the Border (Tom Pursglove): It is a pleasure to serve under your chairmanship, Ms Rees.

I congratulate the hon. Member for Cynon Valley (Beth Winter) on securing this debate on the important issue of no recourse to public funds, and I thank colleagues for their interventions during the course of her remarks. A lot of points were made, which I will respond to on behalf of the Government, but first I will set the policy in context. I am sure that Members across the House are aware of the details of the policy of no recourse to public funds, but it is important to set out the context, and our rationale and approach.

A well-established principle is that migrants coming to the UK should be able to maintain and support themselves and their families, including children, without imposing an unreasonable burden on the welfare system. Successive Governments have taken the view that access to benefits and other publicly funded services should reflect the strength of a migrant’s connections to the UK and, in the main, become available to migrants only when they have become settled here with indefinite leave to remain. In practice, that has been done through granting permission to enter or stay with a no recourse to public funds condition attached.

Only the benefits listed in immigration legislation are classed as public funds for immigration purposes. Some benefits based on national insurance contributions, may still be accessed by migrants, such as contribution-based employment and support allowance. The Government’s position remains that those seeking to establish a life in the UK must do so on a basis that prevents a burden on the taxpayer and promotes integration.

I respectfully disagree with the central premise of the argument advanced by the hon. Member for Cynon Valley. Were we simply to scrap the no recourse to public

[Tom Pursglove]

funds policy, I would argue that, given the national support in place through Departments such as the Department for Work and Pensions and the local support provided by local authorities, far greater costs would be associated with such support were there to be broad eligibility for anyone coming to the UK. I do not think that that is proportionate or fair to the taxpayer generally. Later in my remarks, I will set out the safeguards in place to ensure that where people's circumstances require it, there are routes in for people to get support.

Beth Winter: I referred to several reports, which I will provide copies of to the Minister. When we look at the cost-benefit balance, supporting people who come here, often from vulnerable and difficult situations, may bring an initial cost up front—although providing people with the basics of food, heating and so on is a moral and humane duty anyway, so I disagree fundamentally with his position—but in the long term it benefits our country financially, if that is the concern of the Government, as well as socially. To back that up, I will supply the evidence, which is overwhelming.

Tom Pursglove: Our approach is a balanced one. For example, many people come to the United Kingdom through the established visa routes, family routes and skilled work routes. The hon. Lady touched on the issue of safe and legal routes, and I am a strong advocate of the work that the Government have done to give sanctuary to more than half a million people since 2015.

One of the commitments we made during the passage of the Illegal Migration Act 2023 was to consult local authorities and to set a figure, an annual cap, for properly supported places that can be provided across the country so that people are able come here. In particular, we work with the United Nations High Commissioner for Refugees to support the most vulnerable people from around the world, with all the help and support around that. That is entirely right and proper, and I am very grateful to the local authorities who have offered places. We will help with the wraparound support that comes with it. In the next few weeks, I hope to be able to say more not only about the figure, but about laying the statutory instrument that will help to bring that cap into force in 2025, delivering on the commitment we made to ensure that those places are durable and sustainable, and provide people with the sanctuary that they need.

As a general principle, I go back to my earlier remark that we think it is right that people who come to the United Kingdom through most of the routes are able to sustain themselves without relying on the taxpayer. As I said, there are safeguards in to provide support. [Interruption.] I recognise that the Labour Members here are perhaps not in line with the position of previous Labour Governments on this issue, but that policy has been a consistent one under Conservative Governments, under the coalition Government and under Labour Governments.

Ian Byrne: The Minister has mentioned the burden on the taxpayer several times now. Why do the Government not give people seeking asylum the right to work, so that they can contribute to the tax system and society? His framing of this debate and the implementation of policy makes no sense to me.

Tom Pursglove: I suspect that we will disagree quite strongly in principle on this. I would argue that the policy on asylum seekers' right to work achieves the right balance. People who come to the United Kingdom in small boats, via a route organised by evil criminals who put them to sea in unseaworthy vessels, are exploited them in the process. They hand over their money to evil criminal gangs, who have no regard to whether they get here safely. We have a moral responsibility to put that criminality out of business. Any additional pull factors give the evil criminal gangs responsible for that trade an additional marketing tool to sell a vision of what coming to the UK looks like. That cannot be right. Nor is it right when we consider the many people who come to this country by applying and going through the proper process and following the rules, entirely appropriately. We should not undermine that process. It is an important part of our borders and migration system, and has for many years been how we manage migratory flows.

If somebody's asylum claim is not dealt with and concluded within a 12-month period, they are able to take roles on what is now the immigration salary list, previously the shortage occupation list. I think that provides an appropriate level of balance.

Beth Winter: Will the Minister give way?

Tom Pursglove: I am conscious that there are still a lot of points still to get through, but I will gladly give way to the hon. Lady on this occasion.

Beth Winter: Again, I strongly disagree with the Minister on this issue. People who are forced to try to reach these shores on small boats are not getting on boats because of pull factors; they are doing it because of push factors. They are extremely, extremely desperate. Anybody who tries to reach this country on a dinghy, bringing their children with them, must be extremely desperate. If we had a humane migration policy that provided legal and safe routes to come here, people would not be losing their lives. People are dying because they are being forced to use these routes. Should we not be welcoming people here? We have shortages of nurses and of workers in other sectors and industries. Wales advocates being a nation of sanctuary. What is wrong with people coming here to contribute to our society, which would benefit us economically?

Tom Pursglove: I definitely do want people to come here, but through legal routes and in a managed and proper way, rather than in small boats making perilous crossings of the channel. We have a responsibility—a moral duty—to put that criminality out of business. Yet again, in the last fortnight, we have seen a young girl lose her life in the channel in the most tragic of circumstances. We have to put a stop to that, and we are determined to do precisely that.

It is recognised that some migrants may be at greater risk of poverty and destitution, and that is why there are rightly safeguards in place. It is important to protect vulnerable migrants, and appropriate safeguards flow from that responsibility and our recognition that people can find themselves in the most challenging circumstances. In practice, that means that migrants with permission under the family or private life routes, or the Hong Kong British national overseas route, can apply for free to have their NRPF condition lifted by making a change of conditions application. An individual on those routes

can apply to have their condition lifted if they are destitute or at risk of imminent destitution, if there are reasons relating to the welfare of a relevant child, or if they are facing exceptional circumstances affecting their income or expenditure.

For all immigration routes other than family or private life and the Hong Kong BNO route, the general expectation is that the person will return to their home country should they become unable to meet their essential living needs in the UK. If there are particularly compelling circumstances that make leaving the UK impossible, discretion can be used to consider whether they justify access to public funds. The latest data published in March 2024 for quarter 4 of 2023 shows that 71% of the decisions taken on change of conditions applications were granted. That demonstrates that the system works and is practical.

It is worth adding that the Government are providing additional support for those with NRPF. For example, subject to the relevant income thresholds, those with NRPF can access free school meals and early years education for two-year-olds. Statutory benefits, including statutory sick pay, statutory maternity pay and contribution-based jobseeker's allowance, are accessible to all those who have made significant tax contributions, including those with NRPF.

The Department of Health and Social Care leads on the Healthy Start scheme, but I will gladly ask the relevant Minister to provide a written update to the hon. Member for Liverpool, West Derby (Ian Byrne). We continue to have ministerial and official engagement with colleagues from across Government about NRPF, specific benefits, inclusion or otherwise and eligibility. I would very much welcome receiving the reports that the hon. Member for Cynon Valley mentioned. I am not convinced that we will agree on everything, but we will most definitely look at them. We keep the policy under review, so I would welcome the opportunity to reflect on those reports.

Local authorities may also provide a basic safety net of support, regardless of immigration status, if it is established either that there is a risk to the wellbeing of a child or a genuine care need that does not arise solely from destitution—for example, where a person has community care needs or serious health problems. If it is helpful and the hon. Lady would like to share the details of the case she raised—I am not sure from her remarks whether a change of conditions application has been made—I will be very happy to ask my officials to look at the particular circumstances and get back to her.

I have dealt with the asylum seeker right to work and the situation with regard to safe and legal routes. There will be opportunities to debate those matters separately in the coming weeks and months. I definitely expect to make progress on the cap in the coming weeks and months, as I said in the debate in this Chamber on Monday.

Beth Winter: Will the Minister comment on the suggestion about better joined-up working, including with the regional and devolved Administrations? Is that something he will look at?

Tom Pursglove: I am very happy to take that point away. The Government's general principle is that it is important that we have a system that provides balance. I set out the safeguards, but I am definitely very happy to engage not only with colleagues across the UK Government but with counterparts in the devolved Administrations. The immigration system generally is a reserved matter, but there are undoubtedly aspects that relate to their work, and I am always willing to engage on those matters. Our approach is that we and they can suggest agenda items, and then we debate them and talk constructively.

Motion lapsed (Standing Order No. 10(6)).

11.30 am

Sitting suspended.

China

[CHRISTINA REES IN THE CHAIR]

[Relevant documents: Eighth Report of the Foreign Affairs Committee of Session 2022-23, Tilting horizons: the Integrated Review and the Indo-Pacific, HC 684; and the Government response, Session 2023-24, HC 630.]

2.30 pm

Bob Seely (Isle of Wight) (Con): I beg to move,

That this House has considered Government policy on China.

It is a pleasure to serve under your chairmanship, Ms Rees. I am here to look at Government policy on China, but also to argue for a more coherent version of that policy, notwithstanding the very considerable progress that, to be fair to them, the Government have been making.

I will start by outlining a few ideas. For me, the 21st century will mark a struggle between two visions for humanity: between open and closed societies; between states that are the servants of their people and states that are the masters of their people; and whether the great scientific discoveries of this century—artificial intelligence, big data—will be used to help humanity or to enslave it.

Opposing the policies of the Chinese Communist party and the direction that it has sadly embarked on for the past 10 to 15 years does not mean being anti-Chinese. Many Chinese oppose the Chinese Communist party, as indeed do many tens of thousands of brave Hong Kong activists in our own country.

I am delighted that the Deputy Foreign Secretary is present to respond to this debate on behalf of Government. I fully accept that the relationship we have with China is significantly more complex than the relationship we had with the USSR; we have a much deeper trading relationship with communist China, and we need to work together on climate and the environment, although that should not be used as an excuse for the status quo. China presents the need for a more complex set of alliances and more complex containment, but there is a greater urgency because, in many ways, China is more powerful than the Soviet Union was. We need to change the dynamic. It is quite clear that shutting off the global economy, which the west still heavily influences, but no longer controls, is not an option.

For me, the direction of travel is clear. Just this week, what have we had? Chinese vessels encroach daily on Taiwanese territorial waters, with conventional military tensions increasing. In the UK, the head of GCHQ warns that China represents a growing and genuine threat, not only to the UK but to the internet as a whole. Three men, including a Border Force officer, are arrested on spying charges. The US announces that it will raise the tariff on Chinese electric vehicles to 100%, citing “unfair practices”.

We are in the middle of what the Government have called an “epoch-defining challenge”; some Members on the Government Benches, and perhaps indeed those on other Benches, see it as a more significantly adversarial relationship. I accept that there are elements of both, and that just focusing on the words to define this issue—be they “adversarial”, “enemy” or “challenge”—is not necessarily the most helpful thing. What is important is that our policies become less piecemeal.

As I say, I do not want to underestimate the journey that the Government have been on. Much has changed since the failed golden era. It is clear that the hope held by the UK, the US and other partners—that normalising

trade relations with China would lead to greater security on all sides—has not materialised. Indeed, quite the opposite is true: what China and arguably Russia have done is trash the system from the inside. However, with respect, I think that our policies are still a little too piecemeal. Although we have had sensible decisions on Huawei, spurred by myself, my right hon. Friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith) and others, and the passing of the National Security Act 2023 and a significant number of measures, I still think we need to go further.

I am looking at trying to develop a coherent set of ideas, not only in this speech but with the think-tank Civitas, with whom I hope to publish stuff next month. I pay tribute to and thank people such as Charlie Parton, the former diplomat who has done a lot of great work advising Members of Parliament on both sides of the House on China strategy, highlighting what the Chinese Communist party has been saying to itself about the west; Ben Rogers and others at Hong Kong Watch; and Luke de Pulford at the Inter-Parliamentary Alliance on China for the work that they have all done.

Neil Coyle (Bermondsey and Old Southwark) (Lab): I thank the hon. Member for securing this debate. Given the arrests this week and the issues that he has outlined, does he agree that the issue here is the pace at which we are assessing the situation, and the need for a cross-Government audit of the Chinese Communist party’s attempts to influence UK politicians and Government, and also individuals, which we saw this week with the arrests of individuals attempting to intimidate and harass Hong Kong democracy activists in the UK?

Bob Seely: I agree very much with the points that the hon. Gentleman makes. We need to increase our pace, which is one of things that I would like to argue today. What the Chinese Communist party wants is no secret. It does not want to live in harmony with the west; it wants to dominate it. Western nations are viewed in CCP literature as hostile foreign forces intent on damaging Beijing. In Document No. 9, for example, the CCP describes democracy as one of nine false ideological trends. The full list includes: promoting western constitutional democracy; promoting universal values, which would be an attempt to weaken the theoretical foundations of the party’s leadership; promoting civil society, to dismantle the ruling party’s social foundations; promoting neoliberalism, which would challenge China’s basic economic system; promoting the western ideal of free journalism, which would challenge the communist party’s grip on power; promoting historical nihilism, or rather a different interpretation of the communist party’s history; and questioning the socialist nature of socialism with Chinese characteristics. All those things are seen as false historical trends, and there are many other documents, which I will not go into.

The challenges—I use the Government word, “challenges”—from this potentially adversarial state are arising on many fronts. On cyber, just this week GCHQ has said that there is an increased threat; indeed, I was one of the unfortunate servicemen and women whose details were found potentially not to be as secure as we would have liked. I think it was last week when we were told that our details had been stolen or were potentially vulnerable to theft. Trade dumping is an

absolutely critical element of this. China's developing country status at the World Trade Organisation means that the rules on dumping do not apply to it. As we are slow off the mark here, and because the Americans have put a 100% tariff on electric vehicles, on which the European Union may follow suit, I worry that we will become a dumping ground for Chinese goods. That is not an accident. The destruction of our own industries is not happening because the Chinese are necessarily good at them—although some are and, in a free state, arguably more would be. It is a deliberate state policy of intellectual property theft that is happening now, but which was also happening 10 to 20 years ago.

Then there is the long-term planning to buy up resources, the super-cheap communist state loans, the over-production as a matter of policy, and the dumping of goods on international markets to bankrupt western firms. Huawei was an instructional lesson on that. It originally partnered with Nortel, a Canadian company that suddenly found its intellectual property in Beijing. Nortel then collapsed and its place was taken by Huawei, whose state agenda was to undercut western firms and dominate the 5G market. That creation of dependence is one of the things that is most dangerous—I will explain why in a couple of minutes.

There is also the transitional repression—the spying on and intimidation of not only China's own people abroad, but Hong Kong activists, which is a growing problem that we seem reluctant to tackle robustly. Then there is the question of covid and its origins. If covid had come out of a laboratory in France or the United Kingdom, or the United States especially, we would never have heard the end of it from political parties in this country or the media; and yet I am staggered by the lack of interest shown in the likelihood that covid came out of the Wuhan virus laboratory. I am also staggered at the lack of interest in whether it had been genetically altered before it was, presumably, accidentally leaked. As Lord Ridley said:

“The UK security and scientific establishment refused to look at the evidence for a lab leak.”

That is an extraordinary claim from somebody who is a considerable expert on that. If nothing else, it is astonishing that we seem to be so uninterested in biosecurity standards in other countries, given the potential hazard not only to ourselves but to humanity.

The united front, the malign influence of which we have potentially seen in Parliament, is a long-term, whole-of-state strategy used by the Chinese Communist Party to further its interests within and outside China through multiple organs of the Chinese state and a range of activities—overt and covert; legal and illegal. It encompasses not only espionage but forms of malign influence that are sometimes overt, but sometimes covert. We know from our Intelligence and Security Committee that the united front has “achieved low-level penetration” across “most sectors of UK business and civil society”. What does the Deputy Foreign Secretary have to say about that? Is he concerned about that penetration across most sectors of UK business and civil society by the united front?

I will spend a couple of minutes on the domination of DNA research and on cellular modules, which are so little known, but potentially so important. China believes that its own biomedical data is a

“foundational strategic state resource.”

Yet, at the same time, it is hoovering up DNA data and genomic data from around the world. Western security officials, including those identified in the ISC report, see DNA biotech as another major concern. The Pentagon in the United States listed the BGI group, otherwise known as the Beijing Genomics Institute, as a Chinese military company, and the US Government have twice blacklisted the group's subsidiaries for their role in the collection and analysis of DNA that has enabled China's repression of its own ethnic minorities.

That is a really creepy and unpleasant policy that the CCP and the BGI group have been accused of: collecting DNA research for the repression of their own minorities. Needless to say, not only have we not done the same thing as the US, but BGI Tech Solutions was awarded a £10.8 million contract in this country for genomic testing of covid samples. Not only that, but in 2021, Reuters revealed that the company was selling prenatal tests to millions of women globally in order to collect their DNA data, using biotech methods developed with the Chinese military.

A top counter-intelligence official from the US Government has said that BGI is

“no different than Huawei...It's this legitimate business that's also masking intelligence gathering for nefarious purposes.”

I wonder if we are again sleepwalking dangerously and somewhat naively into another ethical crisis—the kind that we had with Huawei, and which we could now be seeing with BGI.

I have not had time to show the Minister my speech, because I only finished it about half an hour before the debate, so I will happily write to him on these questions, and perhaps he could give me a written answer. What are the Government planning to do on genomic research and protecting the United Kingdom, which does not only mean our DNA data—unless he thinks we can share it with the rest of the world; maybe we should or could be—and what do we think BGI and China are trying to do with our DNA?

I will talk a little bit about cellular modules because, again, it is an obscure, but important, topic. The internet of things refers to internet devices that talk to each other, from alarm systems, video recorders and fridges, to aeroplanes, boats and, maybe one day, nuclear weapon system launching programmes—and even the lights in our living room. Those gadgets rely on modules—groups of chips—that connect the equipment to the internet and talk to each other. China supplies the west with more than 60% of those modules. But because they are updated remotely by the manufacturer, it is practically impossible to ensure that they are not spying on us and sending back data flows to their source. If that sounds a bit paranoid, let us remember that TikTok is currently under investigation by the FBI after its parent company used the app to monitor journalists in the United States. Let us also remember that a Government car was allegedly compounded—I cannot remember if that was last year or a few months ago—because a cellular module in it might have been pingback eavesdropped conversations. China aims to dominate the market, as it has with Huawei and BGI, for cellular modules. Do the Government have an opinion on whether that is a threat to our economy, to our people and to our national security?

[Bob Seely]

I am not even going to bother touching on the military threat, because it is complex and detailed, though my fear is not only the slow domination. Sun Tzu, a great man and a philosopher of conflict, said:

“The greatest victory is that which requires no battle.”

That seems to be President Xi’s aim. Arguably, it should also be our aim. That idea should inspire us that we need to defend ourselves now, and that we need to take the short-to-medium and the long-term decisions to defend ourselves, not to aggressively wave fingers at people, but to be able to defend ourselves. The reason I say that is that the most dangerous outcome is that we become so dependent on China in the next five years, for everything from vehicles to fridges to cellular modules to our DNA, that when Taiwan is attacked, if we took out sanctions on China we would effectively collapse the global economy. It would cause chaos and collapse in Europe and our own country that would make the energy crisis for the Ukraine war look like a picnic, with rioting on the streets and destabilised western societies—or we can stand by and say, “Fair enough.”

The other, potentially even greater, threat is that we break the alliance between the United States and ourselves and the United States and Europe, which is undoubtedly China’s strategic aim. That will be a catastrophe for western civilisation. We need to deepen our alliances with the US and Oz and many other states in that part of the world, including South Korea, Japan, the Philippines and Indonesia.

Finally, I have two more points. On TikTok, for young people in China the algorithm is different from that in the UK. In China, it is used to promote science, education and history, including the history of China. In our countries, it makes citizens watch

“stupid dance videos with the main goal of making us imbeciles”.

That quotation is from the former chief software officer of the US Air Force and Space Force. In China, TikTok is about entertaining education; here it is just about entertainment. It is not only cyber-addiction, but real addiction, that is an issue. Do the Government have a position on the large-scale illicit supply of fentanyl by China to the United States, which I understand is now also becoming a problem in this country? I will wind up in two to three minutes; I said I would stick to 20 minutes, which I am trying to do.

What are we going to do about this issue? The real aim of the immediate policy is to insulate ourselves. In no particular order, here are some ideas. Let us add science to human rights. We can DNA test where cotton comes from. Should we not be mandating that, in supply chains that go anywhere near China, we DNA test cotton so that we can see whether it comes from Xinjiang and is made by slave labour, so that we can outlaw it? That is an important thing to do for fair trade, and to help jobs not only in this country, but in Bangladesh, India and places where they do not use slave labour. It is also important for human rights: taking a consistent approach to the human rights agenda and giving it the respect it needs.

We need to diversify as a matter of urgency. As a national priority, we need to diversify our supply chains, so that if there is war in the Pacific or around Taiwan,

we are not going to destroy our standard of living, economy or people’s jobs in order to put sanctions on China, or to support the United States or Taiwan.

We need longer-term planning over rare earth minerals—something I have not even brought up due to time considerations. We are beginning to act but we are two or three decades behind China.

We should tell Confucius Institute centres to stop spying on their citizens, or shut them down and kick out the people in them. The same should apply to Hong Kong economic offices, which are now also being used to intimidate Chinese people in this country.

As for the military, we need a permanent western presence in disputed waters and more money spent.

On WTO and dumping, we need to work together; we need to treat China as a developed economy, even if in WTO terms it is not.

I also suggest that we need to have faith in ourselves. There is no inevitability about China’s future victory. It is a very powerful country, but like Russia, it lacks few actual friends. Its one formal alliance is with the basket case of North Korea, although the basket case of Russia is also a pretty close ally. We have many friends and allies, as do the United States and France, and we need to be working with those allies and with our partners in the Pacific for a new, subtle but thoughtful, determined and robust containment programme. That means spending on hard power, but it also means a much more assertive defence of our interests, as well as understanding how decades of subversive conflict across culture, business, sport and science can damage our national interest and threaten our people. Whether it is the use of artificial intelligence, big data, DNA sequencing, advanced propaganda techniques or cellular modules, we need to do more to understand the modern world that we inhabit.

We are in a battle for the future of humanity, between democracies and authoritarian states. At the moment, that conflict is being lost by us. It is also being conducted in myriad subtle ways. We need to grasp the extent of it and do more to react robustly to defend ourselves.

Christina Rees (in the Chair): May I remind Members that they should bob if they wish to be called in the debate? I would be grateful if Members do not refer to cases where charges have been brought, because they are sub judice.

2.51 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to see you in the Chair this afternoon, Ms Rees. I congratulate the hon. Member for Isle of Wight (Bob Seely) on securing the debate and on his excellent, wide-ranging opening remarks. He set out the challenges we face as a country, and presented a pretty dystopian vision of the future, if we allow it to happen. I hope that we are able to collectively rise to the challenges he laid out.

The hon. Member raised a number of matters that I will touch on. I start with the refreshed integrated review, published by the Government last year, which stated:

“China...poses an epoch-defining and systemic challenge with implications for almost every area of government policy and the everyday lives of British people.”

I consider that a welcome revision to our approach. It is a pretty serious, broad statement of where we are and what we need to do. We need to recognise China's size and influence, alongside the risks that it brings. The hon. Member for Isle of Wight made the point very eloquently that our reliance is one of those risks, alongside China's greater aggression, its human rights record and the strengthening of its partnership with Russia; they are all potential existential threats.

In many respects, the news emerging this week on both sides of the Atlantic is a stark reminder that these challenges are here and now, and that care needs to be taken. I will take one very clear example from my own constituency, which feeds into the wider picture that has been painted today. There is a Stellantis plant in my constituency. It announced yesterday that it will be selling Chinese-made electric vehicles in Europe from the autumn, and in the UK from next year. We have a very proud history of manufacturing in this country, and indeed in Ellesmere Port, at what is commonly known as the Vauxhall motor plant, which is now owned by Stellantis. A lot of work was put in to secure the investment needed to move to electric vehicle production, which is very important for the plant, for the constituency and for the whole UK automotive sector.

I had hoped that we could lead the way in the sale of new electric vehicles, as the plan was always to expand from where we are now—from the production of vans into the domestic car market—so it is a concern that the owners are already turning to cheaper Chinese electric vehicles. It is too soon to understand the impact of that on domestic production, but surely it is not going to help. That is not to say that I want to insulate the UK from competition, but there has to be fair competition, and there has to be one eye on the future.

There is no doubt that the move to an all-electric vehicle country is going to be expensive and we should be looking at how we keep costs down, but if major manufacturers are already concluding that the best way for them to meet that challenge is to turn to Chinese imports, we are never going to have the domestic manufacturing capacity to meet domestic demand, never mind being able to continue to be the proud exporter to the rest of the world that we have always been.

As we have heard, yesterday President Biden announced he was introducing a 100% tariff on electric vehicles made in China, as well as tariffs on lithium batteries, critical minerals and semiconductors. That is a move designed to prevent cheap, subsidised Chinese goods from entering the US market. The decision was taken after a four-year review, and there are similar moves across the EU to assess the impact of Chinese imports. Since October, the EU has been investigating whether local subsidies have been helping Chinese car manufacturers undercut European-made vehicles. The investigation is due to report shortly.

I am not aware of a similar review being undertaken here. It was reported in February that the Government were contemplating commissioning the Trade Remedies Authority to undertake an investigation into subsidies, but three months on we have silence. Is the Minister able to confirm whether the Government are still looking into that and whether they will look at what the EU says if conclusive evidence of subsidies is found? We risk putting ourselves in a very exposed position. Our manufacturing capacity would be reduced, probably

permanently, and we would be kidding ourselves about the race to net zero if we were reliant on Chinese imports.

Cars are just one example of our potential exposure; steel, energy, fibre optics, semiconductors, rare elements or any number of parts of our infrastructure are part of this discussion. We cannot allow ourselves to be at the mercy of one country, especially not one like China, which has what I would consider to be a ruthless focus on economic dominance. As we have heard from the hon. Member for Isle of Wight, that could lead us into a very dark place indeed.

Clearly, we benefit from Chinese investment in this country. Life sciences is a sector that it is investing in heavily. After what the hon. Member has said, that needs to be looked at very carefully as well. The fact is that I could go down any street in this country and see things that have Chinese ownership: pubs, shops, restaurants, cinemas. That is probably fair enough in a global economy, but what about water companies, energy companies and nuclear power plants? I wonder how we have managed to get to the point at which our critical infrastructure is so open to influence by Chinese investors. How have we got to the point where China is a part owner in Thames Water and has significant debts to at least two Chinese state-owned banks? I think we can all see where that might lead us if international tensions rise.

Away from manufacturing, as the hon. Member mentioned, issues in cyber-security have been well documented. Indeed, there was a debate here yesterday on the dangers of social media. I absolutely agree with what the hon. Member said about the differences between TikTok and its Chinese equivalent, Douyin. From a child's perspective, in China it certainly has a lot more educational content. In 2021 the Chinese Government enacted a law that called for the

"creation and broadcast of online content conducive to the healthy growth of minors".

That can of course be seen as part of the wider attitude to free speech in China, but it is of interest that they obviously see that some of the content on these channels might have a detrimental effect on a child's development, but they are more than happy for that stuff to be pumped on to our own children's screens.

Neil Coyle: When my hon. Friend says "they", he is talking about the Chinese Government. Does he welcome the distinction that the hon. Member for Isle of Wight (Bob Seely) made at the start of the debate between the Government of China and the people? As someone who lived in China for two years, may I make a personal statement?

(The Member continued in Mandarin.)

For those who do not know any Mandarin—I appreciate that mine is rusty—that translates as: "I like the country and I like the people. It is the Government who have caused the concerns that are the focus of the debate today. It is the politicians and the political leadership of China that is the challenge."

Justin Madders: I thank my hon. Friend for his intervention. He makes a very important point—the bits of it that I actually understood. He must have seen my speech because I am about to make the very important distinction—

Neil Coyle: In Mandarin?

Justin Madders: Not in Mandarin, no—in English. There is a very important distinction that we would all make between the Chinese people and the CCP. There is no doubt that the CCP is the malign influence in all this.

On the question of social media, there is a concern that there may be an imbalance between what we see in this country and what is seen in China, and there may be deliberate reasons for that. We should certainly look at that and at the dangerous anti-western, conspiracy theory, democracy-undermining stuff that comes out from all around the world, and in particular from China.

I echo the comments made by the director general of MI5 in 2022. He said that it would be wrong for us to cut ourselves off from one fifth of the world's population, and that we should continue to engage and work with China in a way that is consistent with our national security. But I do not think we have the balance right. As the hon. Member for Isle of Wight said, that balance will be consistently and constantly reviewed. We need greater international resilience to international incidents. The analogy with what happened in Russia is very important, because that is a real threat that we could face in the next few years, and we do not want to leave ourselves overexposed.

As has been said, many western countries have begun to understand the risks that we face, have taken action against firms such as Huawei, and have limited the use of such technologies in sensitive and critical infrastructure. In that context, questions must now be raised about our reliance on supply chains that are controlled by China and have such a huge impact on our infrastructure.

It is clear that China holds a dominant position over global supply chains that are critical to the net zero transition. It controls a significant proportion of the rare metals necessary for lithium-ion batteries, wind turbines and solar photovoltaic modules. On the lithium-ion battery chains, China is responsible for 80% of the supply of spherical graphite, refined manganese, anodes and electrolytes, so we clearly need a co-ordinated response to that.

It feels as though we are at a very important point in global politics. We must work across the globe to deal with the many challenges that the planet faces, while at the same time protecting our national security and long-term economic interests. Taking a cautious and proactive approach to risks is central to protecting our country and its citizens. I believe that the way we approach China will be a central feature of our lives for many years to come. On every occasion that we deal with it, the question of security, economic or otherwise, must be the very first thing we ask.

Several hon. Members *rose*—

Christina Rees (in the Chair): Order. If Members can speak for eight or nine minutes, we will get everyone in.

3.2 pm

Mark Logan (Bolton North East) (Con): Unlike my hon. Friend the Member for Isle of Wight (Bob Seely), I have not prepared a very thorough speech, but I am glad that he has brought this important topic to Westminster Hall.

(The Member continued in Mandarin.)

The hon. Member for Bermondsey and Old Southwark (Neil Coyle)—I am not sure how to say that in Chinese—speaks fantastic Mandarin Chinese and is a living manifestation of what our aspirations should be for the country. More people should study Mandarin Chinese. That was in the integrated review, and we have talked about it for years on end, but we need more diplomats in the Foreign Office and people across the whole of Whitehall who can not only speak Mandarin Chinese, but engage with China. Many experts have in the past talked about the plus one: no matter what field someone is working in these days—they may be a biological scientist of some sort, an accountant or a Government official—that should be the substantive part that they own, and then the Chinese understanding is the icing on the cake.

I do not want to step on the toes of the Deputy Foreign Secretary, but I will give some of my own thoughts in response to the points that colleagues made. I was based in the People's Republic of China for about 13 years—I worked in the Foreign Office and was based in Shanghai. I have studied China for about 20 years, and I know less about it today than I did 20 years ago, but I will try my best.

I worry sometimes about the overall tone or mood of a lot of these debates about China over the past four and half years—my hon. Friend the Member for Isle of Wight will be very perceptive of this—because whether we are sat in the United Kingdom, the United States or elsewhere in the west, it feels completely driven by fear and by that sense of threat. That makes me a little worried, in that that strikes as us being reticent and not having confidence in what we have to offer ideologically or in our system. Implicitly, in the 1980s, we did not really care about China, because it was not competition for us, but today we care about it and talk about it every day, in every single debate, which unfortunately might give a signal to others in the world and, indeed, to China that it perhaps does have the upper hand in many different forms of engagement, whether that is business, commercial, political or diplomatic, among other things.

That soul searching part is incredibly important for us, because this should not just be about asking what our China policy or strategy is. Rather, this is about the UK: what is our identity? What is our place in the world? What are our priorities? And then, it is about having everything else flow from that, because at the end of the day, China is just one country out of 200. It is a very important country: it is a United Nations Security Council member and the second biggest economy in the world, it has a population of 1.4 billion and it had great GDP growth rates, in the double figures for many numbers of years. When the hon. Member for Bermondsey and Old Southwark and I were there, it was experiencing 13% or 14% GDP growth rates every year, but that has ended. China is in a very different economic climate now, especially over the past couple of years.

The question I often ask myself is not what our China policy is, but what do the Chinese think of us? What is China's UK strategy? What is China's UK policy? I am never really sure of the answer. Again, I am conscious of different friends in our audience who have been long-time China watchers, but I have always felt, in the years of being based there—even working in diplomacy

and coming into contact with party secretaries, mayors and those from the politburo from time to time—and to this day, that it has felt like an invisible hand. So I am always perplexed when people speak with great authority about the Communist party of China, because it is just so invisible. I often wonder where that intel and knowledge about the CPC come from.

There is another thing about some of the points that were raised, and this can be really difficult. Obviously, we do not want to play into China's political rhetoric, but we often talk about the disaggregation between the people of China and the Communist party of China, and although I know that this stat has been overused over the past number of years, there is a certain amount of truth in it: in 2020, when the Ash Centre in Harvard researched levels of approval for the Communist party of China or the central Government in China, their approval ratings were sitting at about 95%. I know that everyone will come back to say, "That cannot be true," but my feeling—my sense from being there for more than a decade—was that very rarely did people complain about the national leadership. Usually, complaints were about local government at the village level, or the municipal or provincial level, but rarely were there complaints against the national Government. It would be interesting to see an updated poll, because that research was from 2020, just before covid struck, and China has had a lot more difficulties politically and economically since, especially in the past couple of years. I would be very interested to see polling on that.

On Monday, when we were at Policy Exchange, the Prime Minister made an incredibly interesting speech. I was struck by these ideas of securitisation and of entering into a world over the next five to 10 years that is potentially more dangerous than the one that we have lived in in recent decades. Another slight concern from my end—not necessarily vis-à-vis the Prime Minister—was something I wrote about in the *South China Morning Post* about three years ago, and that is this idea of liberalisation, or ideas of liberalism, in the international system. We have often talked about how, with economic engagement, China would become more like the west, but it seems that we have given up on that for the most part in recent years. My contention, however—this is very provocative, but I ask it every single time in this kind of debate—is this: is it China becoming more like the west, or is the west starting to copy things from China's handbook when it comes to banning things?

Those linked to the Policy Exchange think-tank are very clear and intent on banning TikTok in the United Kingdom, but my worry is that that is driven by fear, by this idea of threat. What is more important than politics and regulation, however, is being innovative. It is about saying to ourselves in the UK, "Can we come up with a company that can outstrip the American tech companies and do better than TikTok has done? Or will we become like the European Union and just think we can regulate our way into a successful future?" I do not think that is possible. The Chancellor recently stated that he is keen for us to have "a British Microsoft", and I absolutely agree with that sentiment and that positivity.

Bob Seely: I am sorry, but I take issue with the point about fear. I think it is about understanding and not about fear. On the TikTok issue alone, my hon. Friend is talking about a fear of TikTok. Does he think that,

actually, it is about TikTok having one set of values for Chinese kids and another for everything else? In other words, it has nothing to do with fear but it has something to do with protecting children.

Mark Logan: I am not here to defend TikTok. I do use TikTok, as do many of our colleagues, including some high-profile Ministers in the Cabinet. That is not what this is about. Some of this has to do with education as well, and I look to my hon. Friend the Member for Isle of Wight. Again, I was based in China. I have a daughter in the education system and, going into primary school level in China, there is a lot in the education system that is focused on the harder aspects of education: learning the sciences, mathematics and physics. I think that that can be reflected in the social media that is used there, by the case of Douyin.

Neil Coyle: I intervene not to discuss mutual family that we have still living in the People's Republic of China, but on the hon. Gentleman's point about polling, can he focus a little on what the punishment might be for someone suggesting that they are dissatisfied with where the Chinese Government are at? I also mention the corruption and local-level issues. But fundamentally, a much more important issue for us here, where we still have responsibility, is polling within Hong Kong specifically and the Government's responsibility to Hong Kong nationals and those seeking British national overseas status. Might we see further measures to support those people in the face of article 23 extensions of the diminution of rights in Hong Kong?

Mark Logan: The hon. Member raises a fantastic point explicitly on Hong Kong. What has happened in Hong Kong in recent years is unfortunate. I think it is a strategic mistake in terms of the governance of Hong Kong, so I hope the Deputy Foreign Secretary comes to that.

I will finish by saying that for us, it is about the whole idea of soul searching and asking what the UK's role in the world is and how we can slightly push back against the tone. We do not want to push China into the arms of the axis of authoritarian regimes, as we talked about, because there are many things the Chinese people care about that show their values are very similar to ours. It is not just the paranoia of 200,000 Chinese students in the UK who are all doing these bad things; actually, it shows a society that is striving to do better, and those are values that we share and hold dearly in this country as well.

Christina Rees (in the Chair): I really enjoyed the Mandarin, but we are supposed to use English in debates. If I lapse into Welsh, please forgive me now.

3.13 pm

Stewart Malcolm McDonald (Glasgow South) (SNP): I am grateful for that guidance, Ms Rees. You will find no attempt at Mandarin, Welsh or anything else in my remarks this afternoon. I congratulate the hon. Member for Isle of Wight (Bob Seely) on securing the debate. He is a good friend with whom I was privileged to serve on the Foreign Affairs Committee. The only thing wrong is that we do not have longer or, indeed, more hon. Members taking part. We would not know from the acres of empty green seats that surround us that this is the defining challenge of our time, which is too often

[Stewart Malcolm McDonald]

thought of as a complicated and faraway foreign policy issue, when in actual fact the challenge of China is where domestic and foreign policy are so intertwined.

This is an issue of foreign policy and of domestic policy that manifests itself in many different policy areas and it is of concern to people up and down the UK, whether in Glasgow, Kilmarnock, Edinburgh, Cardiff, London, the Isle of Wight or wherever. It is indeed a domestic issue as much as a foreign policy issue. The nature of the challenge that China presents manifests itself right across a whole sphere of policy areas, many of which have been mentioned. It is an economic challenge, a security challenge and a technology challenge. It is a challenge to our democratic values, our open society and way of life, our energy security and our national resilience.

The hon. Member for Isle of Wight described too much of the Government's approach as "piecemeal", and I believe we would be wrong to try to compartmentalise any response to that challenge into individual policy areas. The challenge that China presents us with is so complex that I do not believe it can ever really be won or lost; it needs to be constantly revisited.

Notwithstanding what was said by the hon. Member for Bolton North East (Mark Logan), could anyone imagine our having this debate 12 to 15 years ago, at the height of the so-called golden era of relations? I rather think not. China will constantly evolve and produce new challenges. There will also be new opportunities and a whole tonne—a whole series—of contradictions in between. The pace of change we have seen since the golden era speaks to that.

I want to do something that Members will expect me to do: the Scotland bit of the debate, or indeed the devolution bit. It is good to have a Welsh Member of Parliament in the Chair, Ms Rees, and you will, I am sure, well understand some of these remarks. Devolution is well understood in Beijing, probably better understood than it is by most Members of this House. My goodness, do they have a strategy to deal with the fact that huge swathes of financial and legislative power sit not here in London but in Edinburgh, Cardiff and Belfast. Do the UK Government or any of the devolved Governments have a strategy to deal with that? No, none of them do.

I want to focus on three Es: exports, education and energy. If we do the good bit first, as far as Scotland is concerned that is exports. Scotland's exports to China stand at about £800 million, the exact same as our exports to Norway and Singapore. It is a relatively healthy position for Scotland to be in. That figure is from 2023, the year of the integrated review refresh in which China is written up as an "epoch-defining challenge" and the year of the major speech from European Commission President Ursula von der Leyen calling on countries to de-risk their exports to China. I would argue that Scotland is already in that place and has a healthy level of exports.

When it comes to education and energy, there is a massive risk surface that no Government of any stripe should be content with. The risk of universities being dependent on Chinese funding is far higher in Scottish universities than in universities anywhere else in the UK. Bear in mind, education is entirely devolved. No Minister across the road can do a single thing about

education policy in Scotland. The University of Glasgow gets 42% of its fee income from students from China. It would be a problem if 42% of the fee income came from students from France, but we are dealing with a very different issue with China. That is not to say that Chinese students are not welcome in the University of Glasgow or in universities anywhere else across the UK, because they absolutely are, but why have we allowed these fine institutions of higher education to create massive surfaces of risk that would not stand the test of any kind of geopolitical shock—a shock in the strait of Taiwan, for example?

In February of this year, the Scottish Government produced their international education strategy, which says that they wish to diversify the "international student population". There is at least an understanding that there is an issue and a problem. What there is not, I am sorry to say, is a strategy to turn that around. There is no strategy of working with higher education institutes, industry and others to globalise the international student population that exists in Scotland.

If we look at research funding, £12 million has flown into UK universities from bodies with links to, for example, the repression of Uyghurs, espionage, cyber-hacking and much else. The Government know about that problem, but they dare not speak about it, never mind have a strategy to deal with it.

Then there is energy. I am sure that the Deputy Foreign Secretary will know about my recent problems, for example, with Minyang Smart Energy building the largest European turbine manufacturing project in Scotland. How on earth is it in the UK or Scotland's interests to put such a critical part of our national energy infrastructure into the hands of an entity from a hostile foreign power just weeks after the Norwegian Government declined the same entity, and in the same month that the European Commission started its anti-trust investigation into unfair competition practices by Chinese turbine manufacturers?

To summarise, the point I make to the Deputy Foreign Secretary this afternoon is that devolution is a back door for hostile foreign states. That is well understood in the Chinese consulates in Edinburgh, Cardiff and Belfast. I am not looking for Ministers in London to override anybody in the other capitals of the UK. I want a joined-up strategy between devolved Government and state-level Government to help us de-risk key parts of our economy and infrastructure and ensure that we are not overly dependent on a foreign power that is hostile to our values and way of life, and certainly does not have our national interests in mind as far as energy security, education or much else are concerned. My appeal to the Deputy Foreign Secretary is to understand that and work with Ministers in Edinburgh and elsewhere to start to unpick those dependencies, diversify our institutions and ensure that the risk is being driven down.

Christina Rees (in the Chair): I will call the Opposition spokespersons at 3.28 pm.

3.22 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate, and I thank the hon. Member for Isle of Wight (Bob Seely) for securing it. The hon. Member for Bolton North East (Mark Logan) referred to how it would be great if China became more westernised—I must

say it, but my goodness. I will explain why it is not more westernised, and why China does not fit into that category and never will. Its human rights abuses and persecution of those with religious views are enormous, and in the short time that I have I will categorise them.

Countless human rights violations have been committed by China. Religious freedom for Tibetan Buddhists is a special concern of mine, and I continue to raise my voice on those issues. My efforts to call out China for its deplorable actions, which threaten the basic rights of those within its borders and across the world, have led the Chinese Communist party to sanction me as it has sanctioned others. As the hon. Member for Bolton North East said, China could become more westernised. Well, I will tell them what: start thinking like we do in the western world, where we understand human rights and the right to religious belief. We understand the right to be friends of others and not to suppress people. That is what British values are, and the Deputy Foreign Secretary will respond to that. No threats will deter me or others from speaking up about human rights in China and elsewhere.

The relationship between China and the UK is in a precarious state. Our Government seek to mend relations with China to increase trade and investment between the two countries. I know that the Deputy Foreign Secretary will summarise some of those things, but we need to collaborate on common goals, be it economic prosperity, global security or environmental protection. However, China must accept the issue of the right for us and other people to have human rights, and we must not allow our economic interests to overrule our moral obligation to protect the rule of law and human rights. It is widely recognised that China's aggressive actions violate the human rights of Uyghur Muslims, Tibetan Buddhists, Christians and Falun Gong and threaten the status of Hong Kong and Taiwan. A western country! My goodness. It has a long way to go to catch up.

I must note that those of us in the UK are not removed from the threat of Chinese influence. The Prime Minister remarked that China poses a

“particular threat to our open and democratic way of life”.

Let us start listening to the evidential base. China's influence warrants our engagement with this growing power, but our security and that of our allies, along with the protection of human rights, must be cornerstones of our foreign policy on China.

Recent threats to Taiwan's status from China have significantly escalated tensions in the Taiwan strait and the South China sea. Taiwan's democracy and freedom are in danger, as well as the stability of the wider region. The UK and Taiwan share a thriving £8 billion trade and investment relationship. Taiwan's economy is vital for the success of the technology supply chain that drives our global digital economy. Protecting Taiwan and our relationship with them is in the UK's and the world's economic interests. Hong Kong has experienced a severe escalation of restrictions on people's freedoms imposed by China within the last decade. Earlier this year, a new security law took effect in Hong Kong—a law that severely restricts freedom of expression and other human rights of those in Hong Kong.

We know that freedom of expression and freedom of religion or belief are inextricably intertwined. While religious communities supposedly have the right to conduct

religious activities in Hong Kong, we know that it will not be too long before freedom of religion or belief will fall alongside the rest of human rights in Hong Kong, as China has shown that it is not interested in being a western power or even in being influenced by western moral standards. Benedict Rogers, the CEO of Hong Kong Watch, is in the Gallery today, and his work in promoting freedom in the country is quite commendable. He remarked that

“repression in Hong Kong would be dangerous to us all”

—and so it would.

China's activities extend far beyond the borders of south-east Asia; China has recently increased its influence in Africa and other parts of the world. I want to be very clear on this point: China suppresses human rights to such an extent that, should its influence continue to expand, the freedom and security of billions of people across the world would be in peril, and their human rights and right to religious belief would be severely affected. Why is that? China has an insatiable appetite for anything else that anybody has. When it is going across Africa, it is marking down where it can get minerals, have influence and take and use whatever that country has.

Appeasing or ignoring actions by authoritarian states for the sake of trade and investment will only lead to the escalation of these actions. It is indisputable that China regularly violates article 18 of the universal declaration of human rights, which it has signed. We must stand firm in our values and our morals that guide our actions in creating a world where international law is upheld and human rights are protected. The hostility and aggression of Chinese actions call for us to stand together with greater courage, strength and determination to protect human rights and religious freedom.

I ask the Minister and the Government, along with the SNP spokesperson, the hon. Member for Argyll and Bute (Brendan O'Hara), and the shadow Minister, the hon. Member for Hornsey and Wood Green (Catherine West), to pay particular heed to China's violations of human rights and religious persecution not only within its borders, but across the world as they consider their foreign policy on China.

3.28 pm

Brendan O'Hara (Argyll and Bute) (SNP): It is a pleasure to see you in the Chair, Ms Rees, for this important and extremely timely debate on the UK Government's approach to China.

As everyone has, I thank the hon. Member for Isle of Wight (Bob Seely) for securing the debate, and thank all those who have taken part in a wide-ranging, well-informed and bilingual debate. It has highlighted many of the concerns we must consider, including China's belt and road initiative; the well-documented mistreatment of religious and ethnic minorities; the use of the national security laws in Hong Kong; the future of Taiwan; Chinese multilateralism, particularly given the emergence of BRICs; the inherent dangers in the development of the internet of things; and the challenges that we face with the CCP activities in monitoring both their own people and pro-democracy Hong Kong activists here in the UK. There are many and varied concerns, and I hope the Minister can address as many of them as possible, but it is not possible to address the problems and challenges posed by China in one Westminster Hall debate.

[Brendan O'Hara]

We all recognise that in a relatively short time China has become one of the most politically and economically powerful countries in the world. There is now barely a country that is not either in hock to China financially or desperately trying to defend its economic interests from China. When the UK Government consider the future of their economic and political relationship with China, it is essential that securing trade and business links with Beijing does not come at the cost of our obligation to defend international human rights. Furthermore, we must not compromise national security in pursuit of the yen.

The political and economic reach of China is astonishing. Beijing's phenomenally successful global infrastructure project, the belt and road initiative, has seen China invest in almost 150 countries. Those countries account for around two thirds of the world's population and 40% of global GDP. Massive investment in links by road, rail, sea and digital infrastructure have transformed the relationship that those participating nations have with Beijing, making them increasingly dependent on the Chinese economy and, as a result, building in both economic and political influence for China.

Indebtedness, mainly among developing nations in the global south that have accepted such investment through the belt and road initiative, now stands at an eye-watering \$1 trillion. Lord Alton of Liverpool said:

"This has made them extraordinarily subservient and often into vassal states that do the bidding of the Chinese Communist Party".—[*Official Report, House of Lords*, 26 March 2024; Vol. 837, c. 675.]

That is particularly problematic not just because of the massive level of indebtedness these countries are accruing, but because they are becoming indebted to a country that has shown itself so often not to care for the rules-based order on which we all depend or for the fundamental human rights of their religious or cultural minorities.

But let us be very careful before we condemn others for turning a blind eye to Chinese human rights abuses in pursuit of investment. The UK's hands are far from spotless on this matter. Time and again we pay lip service to criticising Chinese human rights abuses without doing anything that may incur any economic cost for ourselves.

Nury Turkel, the Uyghur-American lawyer and the commissioner on the US Commission on International Religious Freedom, has directly challenged countries such as the UK, asking, "How do you propose to get China to change without going after the most important thing to the Chinese Government, which is their economic interest?" Whether the Minister likes it or not, it is an inescapable fact that, as long as we pay little more than lip service to condemning China's human rights abuses and continue to trade in goods that we know are, at the very least, highly suspected of being made by Uyghur slave labour, we really do not have a moral high ground from which to lecture others.

For example, last month the Chair of the Foreign Affairs Committee, the hon. Member for Rutland and Melton (Alicia Kearns), secured an Adjournment debate on solar supply chains, in which she made it clear that, by lagging behind the US and the European Union in ensuring that Chinese solar panels that come to the UK

are not produced by Uyghur slave labour, the UK was in real danger of becoming a dumping ground for what she described as "dirty solar".

This is not a new issue for the Government. Just over two years ago I introduced a Bill that would have prohibited any goods made by forced labour in the Xinjiang region. It would have required all companies that import products from Xinjiang to the UK to provide proof that they were not manufactured by forced or enslaved labour. The Bill would have brought the UK into line with the United States, which passed a similar law in 2021. So there have been opportunities to act, but thus far the UK Government have chosen not to. That is why, Minister, there is a growing perception that this Government are just paying lip service on Chinese human rights abuses without doing anything practical or tangible.

I recall a similar debate in 2020. The UK Government Minister's reply then was that the Government would "continue to urge the Chinese authorities to change their approach in Xinjiang and respect international human rights,"

but four years on there is no evidence whatever that that approach has worked, and it is clear that China has not paid the slightest heed to what the UK Government or anyone else have to say about its human rights record.

It is not just the Uyghurs whose human rights have been trampled over. Last week, at a surgery on the Isle of Bute, I met my constituent Mary Clark, who is a Falun Gong practitioner. She reminded me that it is five years since the China tribunal led by Sir Geoffrey Nice found that the Falun Gong practitioners in China were being subjected to the most awful crimes, including the unspeakably horrific practice of organ harvesting. That is truly a crime against humanity. Despite the overwhelming evidence and unambiguous verdict of the tribunal, the response that was demanded of Governments and other international actors simply did not follow.

Not even after the 2021 report from the UN on freedom of religion or belief, which provided clear evidence of such abhorrent practices, did the international community take any action against China. Thankfully, we are reminded at every opportunity by the hon. Member for Strangford (Jim Shannon) that freedom of religion or belief is a fundamental human right, and as part of the international community we have a responsibility to protect it.

In short, we talk a good game but we never deliver. Decades of harsh condemnation, despite urging and impassioned persuasion, have failed to shift China one iota. It seems that not even the tearing up of a legally binding international agreement and a slew of broken promises made to the people of Hong Kong can stir the UK into much more than finger wagging, tut-tutting and headshaking.

The speed at which Beijing has stripped away the basic freedoms of expression and peaceful protest, and has extinguished Hong Kong's independent free press—turning it from being one of the most open cities in Asia to one of the most repressive—should alarm every one of us. The use of the draconian national security law to crack down on pro-democracy campaigners, including Jimmy Lai, who is still on trial, is an absolute disgrace and a shame on this country. If that does not motivate the UK to take a more robust attitude to Beijing, we have to conclude that perhaps nothing will.

We are not naive enough to believe that the UK could stand up to the economic might of China by itself. But sadly, all too often, when presented with the opportunity to act in concert with friends and allies, the UK Government have chosen not to.

3.37 pm

Catherine West (Hornsey and Wood Green) (Lab): It is a pleasure to contribute to this debate under your chairmanship, Ms Rees.

I was going to begin by saying that I thought I was one of the few Members of this House who had lived in China and spoke Mandarin, but I see that others have turned out in great numbers, including the hon. Member for Bolton North East (Mark Logan) and my hon. Friend the Member for Bermondsey and Old Southwark (Neil Coyle). Many of us taught English to begin with, as I did in Nanjing in the 1990s. All of us agree that the Chinese people gave us enormous amounts of hospitality, and a warm and friendly experience, and showed so much pride in a 5,000-year-old civilisation, a passion to modernise China, and a desire to provide for more Chinese people to no longer live in poverty.

As the years have gone by, the tone coming from the Chinese Government has changed. Undoubtedly, 30 years of economic progress has catapulted China to become the world's second largest economy by some measure, with a newly enriched middle class enjoying lives a world away from most Chinese people in the 1980s. However, the more authoritarian and even belligerent look and feel to foreign relations has increasingly caused us to be concerned about the risk to a rules-based international order.

In Hong Kong, the rule of law, under which its economy and society flourished for generations, has been worn down, and journalists such as Jimmy Lai—who has already been mentioned—continue to be detained on politically motivated charges. Hundreds of thousands of Hongkongers have fled for a better life overseas, with less repression and more freedoms. I pay tribute to the cross-party group Hong Kong Watch—of which I am a founder; I declare an interest—and to the well-known campaigner Ben Rogers, who is a great stalwart for that campaign. I know that he enjoys the respect of all Members of the House.

In Xinjiang, which has been mentioned in the debate, the Uyghur minority are subjected to brutal repression and horrific human rights abuses, including wholesale attempts to eliminate their culture and religion. The hon. Member for Strangford (Jim Shannon) is quite right to emphasise the importance of freedom of religion or belief in anything that we talk about in relation to foreign policy.

In the South China sea—I know that the hon. Member for Isle of Wight (Bob Seely) has a background in defence—Chinese vessels and aircraft repeatedly test the boundaries of international law, destabilising regional security and threatening some of the world's most important shipping lanes. Of course, the increasing military activity in the Taiwan strait, particularly in the last three years, is troubling many of us.

No foreign policy question is more fundamental than how the west manages its relationship with China in the years ahead, and it is obvious, as the hon. Member for Isle of Wight said at the start of the debate, that that

starts with our multilateral approach and friends in the US and, of course, in Australia and down in that part of the world. It goes to the question of identity and closed and open societies. For the UK, as a UN Security Council permanent member and a G20 partner, that is particularly the case, and it is a question that we must address head-on, with seriousness, consistency and rigour. But it is a question that is rightly linked to our wider approach to the Indo-Pacific. We cannot have a sustained and serious approach to China without having a wider-ranging British approach to the Indo-Pacific. Without a doubt, the AUKUS relationship with the US and Australia is at the cornerstone of that regional approach.

Labour is of course committed to further strengthening our co-operation with the US and Australia in the Indo-Pacific through AUKUS and particularly through delivery of the second pillar of the agreement. We are equally committed to deepening our increasingly close relationships with ASEAN—the Association of Southeast Asian Nations—through our trade arrangements there, and with Japan and South Korea. We welcome the moves that have been made in that regard over the past few years, but that work must be encased within a wider and more sustained strategy towards the region as a whole, including China.

Sadly, for most of the past 14 years the UK Government's approach has basically been the opposite to what we need, which is stability and predictability. We have lurched 180 degrees from embracing a “golden era” of bilateral relations and having a pint down the pub with Xi Jinping under the then Prime Minister, who is now Foreign Secretary; indeed, some of the questions as to his financial arrangements prior to his becoming Foreign Secretary also bring questions to this debate. This is simply not good enough. China thinks in generational terms, and we require a foreign policy that is capable of considering the bilateral relationship over a far longer timeframe and that aims above all for consistency.

Earlier this year, I travelled to Beijing as part of a cross-party delegation and met senior members of the Chinese leadership, having been approached to do by the shadow Foreign Secretary, my right hon. Friend the Member for Tottenham (Mr Lammy). I made it clear that Labour would pursue a more sustainable and coherent relationship. Such a relationship must begin with addressing our concerns about national security and standing up for our principles on human rights, but it must also set out avenues for co-operation, both bilaterally and within the multilateral system, and allow our country's businesses to have the certainty and stability to make the long-term investment decisions that they deserve. The shadow Foreign Secretary has been clear that that relationship will be centred on a framework to “challenge, compete and co-operate” with China, which we will develop through a comprehensive and long-overdue audit of the bilateral relationship—an element mentioned by my hon. Friend the Member for Bermondsey and Old Southwark.

However, even in advance of the audit, some of the changes that we need to see are obvious, and I hope that the Minister will have some answers for us today. He will be aware that the issue of the threat posed to Hongkongers has been raised many times in the House. Indeed, just this week Amnesty International has brought out a report called “On my campus, I am afraid”. I

[Catherine West]

wonder what recommendations on a cross-Government approach to that issue the Minister will take back to the Government.

In addition to that, we have an excellent question from the hon. Member for Glasgow South (Stewart Malcolm McDonald) about whether there has been a back door that gives access to various projects that could have national security implications, through devolved nations. Furthermore, what is the industrial strategy on which the Government are deciding on important projects such as the new electric vehicles being sold at Ellesmere Port, about which my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) spoke so eloquently? He knows his patch so well and stands up for not just his workforce but the businesses there, as well as for the importance of a vibrant operation in the north-west, with own vehicles, which of course involves international collaboration but it is not dominated by another party. Will the Minister speak to that important question of an industrial strategy?

There are so many challenges here, but it is in our national interest to have a cohesive and comprehensive approach to our relationship with China, addressing the most complex of countries and relationships in their entirety. The issues at stake go to the heart of our security and prosperity, and we cannot just muddle along as we have been. Labour will have a new approach. We will do our audit. We will be clear-eyed, consistent, and guided, above all, by the national interest.

Christina Rees (in the Chair): Will the Minister leave a couple of minutes at the end of his speech so that Bob Seely can wind up?

3.45 pm

The Deputy Foreign Secretary (Mr Andrew Mitchell): It is a pleasure to appear under your skilled chairship this afternoon, Ms Rees. I am very grateful to my hon. Friend the Member for Isle of Wight (Bob Seely) for securing this debate, and I pay tribute to his advocacy for the people of Hong Kong through the all-party group. He is an expert in the area that we are addressing this afternoon, and I particularly wanted to listen to him and respond to this debate on behalf of the Government. He speaks with both knowledge and understanding, and the House always listens to what he says with very great attention and respect. This afternoon, we have seen why, from his thoughtful and interesting contribution.

My hon. Friend asked a number of questions but started by making it clear that the relationship with China is far more complex than the relationship with Russia. In anything one does with international development, one sees how very true that is. He also spoke about dumping, as indeed did the hon. Member for Ellesmere Port and Neston (Justin Madders). I want to make a couple of comments about that. Having left the European Union, the UK has numerous trade remedy measures in place to protect against practices that have an adverse effect on the UK's prosperity and security. We will always respond vigorously to unfair trading practices wherever they occur by working with the Trade Remedies Authority to protect the UK's interests. We would encourage UK industry to apply to the independent Trade Remedies

Authority if it has concerns, and we always stand ready to look at any recommendations that the TRA provides. More broadly, Britain has three active trade remedy investigations into Chinese products at the moment, and an additional 12 reviews of existing measures on Chinese exports.

My hon. Friend the Member for Isle of Wight asked me about genomic research, and if he will allow me, I would like to think about that and write to him in response to his question. He also raised the issue of fentanyl. We recognise the importance of the fentanyl issue to the United States, and we welcome the US-China dialogue on that. The hon. Member for Ellesmere Port and Neston warned of the need for vigilance, and he made a number of extremely important comments in that respect. He also, in response to an intervention by the hon. Member for Bermondsey and Old Southwark (Neil Coyle), underlined the difference between the CCP and the Chinese people. He also made some very important points about supply chains.

My hon. Friend the Member for Bolton North East (Mark Logan) spoke with profound and detailed knowledge. I was not sure whether he is a gamekeeper turned poacher, or a poacher turned gamekeeper, but his comments were both informed and extremely interesting. The hon. Member for Glasgow South (Stewart Malcolm McDonald) spoke about exports, education and energy, and he expressed a number of interesting thoughts on devolution and dependency on which I will reflect, if I may. The hon. Member for Strangford (Jim Shannon) spoke up, as he always does, for the importance of human rights, and he urged that we should not allow economic interests to override our moral obligations. He spoke about freedom of religious belief. I will come on to that, but we are very grateful for what he said. The hon. Member for Argyll and Bute (Brendan O'Hara) discussed a number of different aspects of the wide issues we are discussing. As I hope to show, his suggestion that we are merely paying lip service to these vital issues is simply not correct.

I turn finally to the remarks made by the hon. Member for Hornsey and Wood Green (Catherine West), whose expertise in this area, as another China expert, I discovered to my humility. I thank her for her remarks on Ben Rogers, with which I think the House will widely agree. The hon. Lady chides us for the changes in our stance over the last 14 years in government, but I put it to her that as the circumstances and facts on the grounds have changed, so too have our policies and our approach.

China is a major global actor with a permanent seat on the UN Security Council. It has an impact on almost every global issue of importance to the UK, and therefore no significant global problem can be solved without China. We must engage with Beijing on issues affecting us all. The Government recognise the epoch-defining challenge presented by China under the CCP, and our response and approach are based on three key pillars. This House will be familiar with these pillars, but I hope Members will allow me very briefly to set them out to frame my response on the issues that have been raised.

The first is about protecting our national security through key measures. I refer specifically to the National Security and Investment Act 2021 and enhanced export controls. Secondly, we have deepened co-operation with our allies and partners, including where China undermines regional peace and stability in the South China sea, and sanctioning Chinese companies providing dual-use goods

to Russia. We join our allies and partners to call out China's human rights violations. Thirdly, we engage with China where it is in our interest to do so: on global challenges such as climate and artificial intelligence, through, for instance, the AI safety summit.

If Members will allow me, I will reflect on some of the specific issues that have been raised in a little more detail, beginning with national security, which is our top priority in engagement with China. I am sure they will understand that I cannot comment on cases that are before the courts. However, we make our concerns clear. Yesterday, the Foreign Secretary summoned the Chinese ambassador to the Foreign Office, and we were unequivocal in setting out that the recent pattern of behaviour directed by China against Britain, including cyber-attacks, reports of espionage links and the issue of bounties, is simply unacceptable.

Turning to cyber-security, the House will be aware that we have attributed cyber-attacks to Chinese actors and imposed sanctions against those who are responsible. The Foreign Secretary has raised this directly with the Chinese Foreign Minister, Wang Yi, and the Government have ordered the removal of Huawei from the 5G networks. Our wider work to bolster our national security includes establishing the defending democracy taskforce in 2022 and passing the National Security Act in 2023.

On human rights, it is, of course, a matter of great concern that the Chinese people are facing growing restrictions on fundamental freedoms and that the Chinese authorities continue to commit widespread human rights violations. Those include severe constraints on media freedom and freedom of religion or belief, repression of culture and language in Tibet and systematic violations in Xinjiang. The UK continues to lead international efforts to address China's human rights record.

Catherine West: I know the Minister is trying to fit a lot in. Just before discussing human rights, he talked about the difficult decisions regarding industry that affect our national security. Could he respond to something mentioned in the debate, which was the financial involvement in Thames Water and nuclear power plants? If not, would he write to the Members present to go into more detail, if that is more appropriate?

Mr Mitchell: I thank the hon. Lady for giving me the option; I will either come on to those issues, or I will write.

By imposing the national security law in 2020, China has stifled opposition in Hong Kong and criminalised dissent. Mr Jimmy Lai and others are being deliberately targeted to silence criticism under the guise of national security. The new Safeguarding National Security Ordinance will further damage the rights and freedoms enjoyed in the city. We took swift and decisive action, including suspending our extradition treaty indefinitely and extending the arms embargo applied to mainland China since 1989 to include Hong Kong. We also introduced a British National (Overseas) immigration path, granting over 191,000 visas to date.

During her recent visit to mainland China and Hong Kong, the Minister for the Indo-Pacific, my right hon. Friend the Member for Berwick-upon-Tweed (Anne-Marie Trevelyan), met Vice Minister of Foreign Affairs Deng

Li in Beijing and Secretary for Financial Services and the Treasury Christopher Hui in Hong Kong. She made clear the Government's deep concerns about the situation in Hong Kong.

I would say more about Xinjiang if I had more time, but the point was made by the hon. Member for Argyll and Bute. We consistently raise human rights concerns with the Chinese authorities at the highest level.

I will turn briefly to the engagement aspect of our approach, since no global issue can be solved without China. As I have mentioned, the Minister for the Indo-Pacific visited China and Hong Kong last month. She encouraged China to use its influence to avert further escalation in the middle east and urged Russia to end its illegal invasion of Ukraine. The Ministers discussed areas of mutual co-operation, including AI safety and trade. My right hon. Friend underscored our concerns about China's human rights record and interference in our democratic institutions. She also urged China to lift sanctions on UK parliamentarians and British nationals—something about which the House has been rightly outraged.

In February, my noble Friend the Foreign Secretary met his Chinese counterpart at the Munich security conference. He urged China to use its influence on Iran to pressure the Houthis over their actions in the Red sea. He further stressed that Russia's aggression against Ukraine threatens the rules-based international system, which is designed to keep us all safe.

The Foreign Secretary set out the UK's position on human rights and particularly mentioned Xinjiang and Hong Kong. He also raised the case of British parliamentarians sanctioned by China and reiterated his call for the release of the British national, Jimmy Lai.

I am glad of the opportunity to outline our position today. I thank my hon. Friends for their thoughtful contributions and all those who have contributed to the debate in what has been an engaging, wide-ranging and thoughtful discussion. It is clear that the challenges posed by China are complex and evolving. We will continue to respond with an approach that protects our national security, aligns with our allies and partners and engages with China where it is in the UK's interests to do so.

The hon. Member for Hornsey and Wood Green, who speaks for the Opposition, asked me specifically about Thames Water and other Chinese investment. As time is short, I will, if I may, write to her in detail on that as soon as I can.

3.48 pm

Bob Seely: I thank everyone for attending and I thank you, Ms Rees, for chairing the debate. As the Deputy Foreign Secretary is writing to us on Thames Water, I would be grateful if he mentioned and looked into the Isle of Wight ferries. We were discussing how much China's investment is, and bizarrely, one of the offshore companies was paying out to the Chinese central bank, so unfortunately it became a partial owner.

Question put and agreed to.

Resolved,

That this House has considered Government policy on China.

Gypsy and Traveller Sites

4 pm

Christina Rees (in the Chair): I will call Mr Philip Hollobone to move the motion and will then call the Minister to respond. There will not be an opportunity for the Member in charge to wind up, as is the convention for 30-minute debates.

Mr Philip Hollobone (Kettering) (Con): I beg to move,
That this House has considered planning policy for Gypsy and Traveller sites.

It is a delight to see you in the Chair, Ms Rees. I thank Mr Speaker for granting me permission for this debate, and I welcome the Minister to his place. I also thank him for visiting Kettering to discuss this issue on 8 February.

The purpose of the debate is to make it clear to the Minister that we need changes to the legislative framework for Gypsy and Traveller pitch provision, unauthorised development, and licensing and management of Gypsy and Traveller sites. It will be frustrating for residents in my constituency that I will not be able to go into detail in this debate about specific local sites, because various forms of planning enforcement and legal action are under way. I will highlight in passing Oakley Park and Peasdale Hill in Middleton in the neighbouring Corby constituency, and sites in my own constituency at Loddington, Broughton, Braybrooke, Stoke Albany and Desborough.

I will also highlight controversy locally over a proposed Traveller stopping site at Rothwell, which is to deal with the slightly separate issue of unauthorised encampments under Home Office provisions. I appreciate that is not the direct responsibility of the Local Government Minister in front of us today. To deal with that one first, under the Criminal Justice and Public Order Act 1994, as amended by the Police, Crime, Sentencing and Courts Act 2022, section 62A allows a senior police officer to direct those in an unauthorised encampment, consisting of at least one vehicle and caravan, to leave land upon which it does not have permission to be, if the local authority can provide a suitable pitch elsewhere in the area. My view is that a senior officer should be able to direct them to leave the local authority area, without the local authority having to provide alternative provision.

Jim Shannon (Strangford) (DUP): Over the past number of years as my constituency's elected representative, I have had to deal with this issue on some occasions, as has the council. Does the hon. Member agree that it is essential that local community planning and provision goes hand in hand with the right for Travellers and Gypsies to have the freedom to live as they culturally and historically have done, and that perhaps sensitivity is the best way forward?

Mr Hollobone: The hon. Gentleman brings me to my next point. The Government's planning policy for Traveller sites sets out national planning policies for Gypsies and Travellers. It states:

"The Government's overarching aim is to ensure fair and equal treatment for travellers in a way that in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community."

My contention is that fair and equal treatment goes both ways. In my assessment, the current planning policy enables Gypsies and Travellers to develop sites in the countryside that members of the settled community

would simply not be able to develop under the same planning regulations. Although the aim of the policy is fair and equal treatment, it actually amounts to preferential treatment for Gypsies and Travellers.

Sir Gavin Williamson (South Staffordshire) (Con): I congratulate my hon. Friend on securing this debate. Another unfairness in the planning system is that it penalises those local authority areas that have traditionally provided a large number of pitches. They are having to provide so many more because the duty to co-operate with other local authorities means that those with literally zero pitches do not have to take them on. That needs to be addressed, because the same local authorities are being asked to make all the provision and that is not sustainable.

Mr Hollobone: As always, my right hon. Friend is absolutely spot on. There is an unfairness in the system that penalises authorities that stick to the rules. They then find that they have to make even greater provision for more and more Gypsy and Traveller sites.

Sarah Dyke (Somerton and Frome) (LD): First, I should declare an interest as a serving Somerset councillor. Somerset Council, like all local authorities, has the power to take enforcement action where appropriate. However, decisions that were made by the previous, Conservative administration in Somerset have left the county without any appropriate transit sites. Regardless of the intent of the council, the costs involved in developing those transit sites, like any other planning development and homebuilding, are now that much greater. Does the hon. Member agree that local authorities need more provision to take action when necessary?

Mr Hollobone: If the hon. Lady is talking about temporary Traveller stopping sites, I highlighted those in my opening remarks. Under the present law, local authorities are encouraged to provide temporary stopping sites so that Gypsies and Travellers who have temporary unauthorised encampments can be moved out of a local authority area only if such transit provision has been made. I would argue that that should be unnecessary, and that they should be required to move out of the area in any case, just like anyone in the settled community if they were parked up temporarily on somebody else's land.

Andy Slaughter (Hammersmith) (Lab): I know that the hon. Gentleman is a fair-minded person, so may I suggest to him that the balance actually goes the other way? He might be aware of the case of *Smith v. Secretary of State for the Home Department*, which was handed down yesterday and granted a declaration of incompatibility under the European convention on human rights. It said that there is a lack of lawful stopping places for Gypsies and Travellers, and unless the Government increase provision, the law as currently drafted will amount to unjustified race discrimination. For example, only eight out of 68 local authorities in the south-east of England have identified the land needed for Gypsies and Travellers in their area. It is the lack of sites that is at the root of the problem, not unfair treatment that benefits Gypsies and Travellers.

Mr Hollobone: As always, the hon. Gentleman and I totally differ on these issues. I would argue that we should withdraw from the European convention on human rights and amend the Human Rights Act 1998, because

it is simply absurd that public authorities should be spending millions of pounds to develop stopping sites for Gypsies and Travellers. The pressure on the public purse is already enormous without adding to it.

Ian Byrne (Liverpool, West Derby) (Lab): I am also in complete opposition to the hon. Gentleman's long-standing views. The reality is that there is disgracefully unjust discrimination against Gypsies and Travellers in planning processes. My hon. Friend the Member for Hammersmith (Andy Slaughter) just touched on yesterday's High Court ruling about the ECHR. I ask the hon. Member to read the excellent research from Friends, Families and Travellers, which clearly evidences the reluctance and failure of local authorities to ensure that socially rented sites are created, and rightly calls on the Government to reintroduce a statutory duty to ensure that the accommodation needs of Gypsies and Travellers are met.

Mr Hollobone: The hon. Gentleman will not be surprised that I totally disagree.

I thank the House of Commons Library for the excellent briefing it published today, ahead of this debate. To put this into context, in July 2023, local authorities counted over 25,000 caravans on Gypsy and Traveller sites in England. That is a 21% increase in the last 10 years. Of those caravans, 26% were on public sites, 60% were on authorised private sites, and 14% were on unauthorised sites. Of the unauthorised sites, most—83%—were on land owned by Gypsies and Travellers, and 17% were unauthorised encampments on land belonging to private landowners or public authorities. The focus of this debate, with particular reference to Kettering and north Northamptonshire, is the 14% of unauthorised sites as well as the abuse of the conditions laid down in the grant of planning permission for authorised, private sites.

Locally in Kettering, North Northamptonshire Council is committed to meeting the needs of the Gypsy and Traveller community and addressing the challenges that it faces. A Gypsy and Traveller local plan is in preparation and quarterly meetings occur with interested local parish councils. I praise Councillor David Howes, who is the North Northamptonshire Council portfolio holder for Gypsies and Travellers, and George Candler, who is the deputy chief executive on North Northamptonshire Council, for facilitating those extremely useful meetings, which were positive and focused on providing suitable Gypsy and Traveller provision as well as addressing unauthorised encampments and the unlawful development of sites.

The suggestions I will outline in the next five to 10 minutes have emerged from the meeting that the Minister kindly attended in Kettering on 8 February, which was attended by council officers and representatives from local parish councils. Those suggestions are about how the current law encumbers local planning authorities in effectively enforcing the system.

Julian Sturdy (York Outer) (Con): I congratulate my hon. Friend on securing this debate. He has touched on a key point. Does he agree that one of the problems is that planning guidance differs so much from local authority to local authority and in how it is applied? For example, City of York Council, which covers my constituency's planning guidance, has been all over the place recently on the issue. It has looked at expanding existing sites,

and when that has not worked it has moved to look at forcing local developers to add one to two pitches for every new development that comes forward. That is opposed by the local Traveller community and local communities, so the policy is just not working. We must find a better way of taking it forward.

Mr Hollobone: I am grateful for that useful intervention, because it is clear that the planning system around Gypsy and Traveller provision has so many holes in it and simply is not working. It is certainly not working for my hon. Friend's constituents, and it is not working for mine, either.

A commonly seen pattern of behaviour is for Travellers to buy a plot of land, move in over a bank holiday weekend, strip off the topsoil and have a queue of tipper lorries arrive at the site to drop off hardcore. By the end of the weekend, hardstanding is down and caravans occupy the site, with no immediate action to stop them. Legal wrangles then follow through the planning process for perhaps the next three to four years or even longer, with enforcement, planning applications, appeals and so on. Most of the unauthorised developments in my local area deal with Gypsies and Travellers who have purchased the land, so they are not trespassers, and it can be difficult for the local authority to evidence at what point development actually occurred that is sufficient to serve a stop notice. That is particularly problematic in the early stages, when no residential occupation of the land has actually started.

The Minister will be aware that local councils cannot serve a stop notice on the basis of something that may occur but need to be able to confirm a permanent breach of the planning regulations—in other words, when residential occupation has occurred. Of course, once residential occupation has occurred, it is then more difficult to address. As the council is then involved in removing occupants from their home, they claim that they have nowhere else to go. It is not suitable to camp them at the roadside with young children, and it becomes difficult for the local council to dispute. A local authority, quite rightly under the current law—although I think that needs to be amended—must take note of human rights issues, protected characteristics and so on, especially if Travellers are recognised as an ethnic group in law.

In addition, the submission by Travellers of information, planning applications and other procedures are often made only shortly before critical deadlines, thereby further extending the period it takes to progress through the stages of the planning process and creating an extended period for issues to escalate. As a result, progress to a position where an application or enforcement notice can be considered, or an appeal registered, can often take 18 to 24 months or more. It is also well publicised that there is a significant backlog of cases at the Planning Inspectorate. The procedure for taking action against unlawful development is made harder and extended by the current requirements of the law, which bring about sometimes really considerable delays, risks and costs for local authorities.

Changes recently came into effect under the Levelling-up and Regeneration Act 2023, but I am afraid they will not have a dramatic impact on planning enforcement against unauthorised Traveller sites. The Act does not, for example, address the difficulties in establishing the ownership of a site following a land transfer, the identities

[Mr Hollobone]

of the responsible persons on site, or whether the threshold has been met for a planning breach in law. My requests to the Minister include that there be a more simplified approach to discourage and manage the unauthorised development of land for the creation of Gypsy and Traveller pitches.

The process of issuing stop notices and taking enforcement action should be accelerated, as well as the process for requiring information to validate and consider planning applications. There needs to be provision for serving temporary stop notices immediately, before residential occupation has started.

The identification of landowners could be made easier where individuals operate outside the normal exchange of deeds and land registration. For example, why not have a legal requirement to publicly post information about the purchaser of the land at the site until the Land Registry is updated? That would facilitate faster identification of the landowner, and there would be sanctions for failing to display details of ownership.

For those who fail to take seriously compliance with temporary stop notices—this applies to almost all the Gypsy and Traveller sites in my local area—why not make it a criminal offence to fail to comply with a temporary stop notice? The potential for arrest and detention would make the punishment far more of a deterrent and would encourage greater compliance.

Why not make it a criminal offence to create residential accommodation or change the use of property to residential without planning permission? That would encourage the correct use of the planning system in seeking approval before development takes place.

I am afraid that fines are no real deterrent to get Travellers to desist from pursuing unauthorised developments. There needs to be a better process to allow local councils to remove development and consider the seizure of assets where a conviction has been secured and an order of the court obtained.

Why not change the planning regulations to amend permitted development regulations, which currently make the removal of topsoil acceptable? That creates significant local concern and has the potential to destroy the ecological qualities of land, and it undermines the principle of biodiversity net gain, as the biodiversity is removed ahead of an application going in.

Then we have the lack of alignment between the planning system and the caravan licensing regime. A caravan site licence can be issued only if there is planning permission in place. A person does not need to be the landowner to obtain planning permission, but to obtain a caravan licence they need to demonstrate that they own the land. That makes it difficult for licences to be issued to the correct responsible person. We need changes to the law whereby planning permission cannot be granted for a caravan site unless submitted by the owner of the land, or the caravan licence can be issued only to owners who have the required planning consent.

In addition, specific protection should be afforded to landowners, such as farmers, who do not wish for their land to be occupied, and do not wish to sell it but do so due to fear of reprisals. Such landowners may also find themselves subject to licensing enforcement for a site they do not actually manage.

Can we have changes to the fit and proper person test under the Mobile Homes Act 2013 so that site owners, directors and managers must meet the test? Can we have more detailed guidance about how local authorities can enforce those measures?

I thank the Minister for his attention and his officials for liaising with officials at North Northants Council about how such constructive changes to the law could be made. I welcome the Minister's response.

4.19 pm

The Minister for Housing, Planning and Building Safety (Lee Rowley): It is a pleasure to serve under your chairmanship, Ms Rees.

I thank my hon. Friend the Member for Kettering (Mr Hollobone) for securing the debate and for giving us the opportunity, even for just a few short minutes, to talk about these important issues. Most importantly, I thank him and his colleagues for the kindness they showed me when I visited Northamptonshire a couple of months ago to talk about this issue at his invitation. He works closely with my hon. Friend the Member for Corby (Tom Pursglove) and I was grateful for the attention, support and explanation given by many of the parish councils in my hon. Friends' area. They came to the meeting, giving us the opportunity to go through this in the detail it deserves. I thank my hon. Friend the Member for Kettering for the debate and for that opportunity a couple of months ago to talk about the issue in detail.

As with all issues of planning, I have to put a caveat on the front of my remarks: I am not able to talk about specific local plans, specific local planning applications or, indeed, enforcement action against those planning applications. As right hon. and hon. Members are aware, planning Ministers have a quasi-judicial role in the planning system, and must therefore reserve comments on any individual application, in case that needs to be exercised. I know that my hon. Friend is not asking me for information, or for my thoughts, on individual applications, but seeking to articulate his concerns about the policy in general, which I will focus on.

This area of policy is obviously sensitive. It has been debated reasonably today, in the short time that we have had, but we can see the contours of a broader debate where people take, legitimately, different views. I will try to choose my words carefully, and it may be that I am not able to go as far as I might otherwise wish to in certain areas, but I hope that it demonstrates that I am engaging in the issue. I will say more when I am able to in future. I should put on the record that I have historical experience in my constituency of challenges in this part of planning policy, so I am aware of it from the perspective of North East Derbyshire.

In essence, we are debating three questions today: first, planning for suitable provision of sites for those in the travelling community; secondly, ensuring that the application process for agreeing those sites is done in a fair, transparent and open manner; and, thirdly, if that is not the case—as is the principle across every policy, intervention, change or action that is done by anyone out there, irrespective of the planning system—and enforcement is to be taken, what is proportionate and reasonable to do.

Andy Slaughter: On that issue of site availability, I recommend the Friends, Families and Travellers report to the Minister and to the hon. Member for Kettering (Mr Hollobone), “Kicking the can down the road: The planning and provision of Gypsy and Traveller sites in England 1960-2023”. It explains the lack of site provision, which is at the root of the judgment in Smith yesterday that led to the declaration of incompatibility. The Minister has now had 24 hours to consider the judgment and I wonder about the Government response. They will have to deal with the issue—and the law at the moment—which stems from the fact of discrimination, with certain parts of the criminal law being impacted where there is not sufficient site provision in a particular area at the moment.

Lee Rowley: The hon. Gentleman is an experienced Member of the House, and he tempts me to comment on a very recent legal case but, with the leave of the House, I will reserve comment on that judgment while my colleagues review it. I will not comment specifically on the outcome of the case, as I am sure he understands.

I will quickly set out the position and then give a few comments on the points made by my hon. Friend the Member for Kettering. The Government set the legislative and policy framework—we have talked about it today—within which this area of policy operates, including the NPPF, or national planning policy framework, and the PPTS, or planning policy for Traveller sites. Despite the variance between the two policies, as articulated by colleagues, local planning authorities are responsible for plan preparation and have a duty to make planning decisions in accordance with the development plans that they have adopted. The planning policy for Traveller sites should be read in conjunction with the NPPF, and there is the requirement to provide a “robust evidence base” for the actions that are taken by individual planning authorities when they are preparing for them.

We all recognise, because we spend a lot of time in debates like this, that whether it is about this area of planning policy or any others, no area of planning policy is perfect. The question is how we balance the many different competing interests in the most appropriate way. There are always challenges, even in areas that are not contested, and this is obviously a relatively contested area. The question is how we ensure fairness in that discussion.

To the questions asked by my hon. Friend the Member for Kettering about fairness, it is about trying to work out how we balance that. I accept and agree that that is an open question, and it is perfectly legitimate and appropriate for us to come back and look at those issues on a very regular basis, which is something that we try to do across planning. I will continue to do that within this area of planning, which is why I am so grateful to my hon. Friend for having hosted me and officials a few months ago to articulate the challenges experienced in Northamptonshire.

I absolutely welcome the views and thoughts of Members across the House about both the planning policy elements, such as the local plans and whether they work, and whether the planning application process for Travellers works. My hon. Friend has put on record many of his comments today, which is very helpful, but I would welcome any further comments from other Members present.

It is the case, and I think it is important to reiterate, that the number of pitches provided in this country has substantially increased over my lifetime. In 1979, it was fewer than 10,000, and it is now 25,000 according to the latest count. There is a substantial increase in provision and it is important that discussions like this do not miss that point out. The question is, building on that increase in provision, where the logical extent is of where we need to go and what provision we need to require local authorities to provide for. That is why I would welcome comments from colleagues across the House, whether they are positive or negative, on the impact in their areas. When we are thinking about that, as when we are thinking about all elements of planning policy, we can consider that in the round when we bring ideas and proposals forward.

I recognise that I have just under three minutes left, but my hon. Friend talked about enforcement, and that is a hugely important area of policy, as he has highlighted. I do not lead on that part of the discussion, but I will certainly pass back the comments that he has made to my colleagues in the Home Office. As my hon. Friend indicated, some movement and some progress has been made—although I know he had comments about that—in the Levelling-up and Regeneration Act, which became law last year. That removed the four-year time limit for taking action against some of the breaches in planning control, and it doubled the time when stop notices are effective from 28 to 56 days. We will return to the point that, when there is intentional unauthorised development generally along the lines of what my hon. Friend has articulated, that should be a material consideration when considering where the position has ended. We are committed to consulting on that and on how we implement it in the future within the broader policy framework.

I have less than two minutes left, but this is a very big area of policy. It is highly contested and it is one, from a Government perspective, where I think it is absolutely right that we tread carefully with our words and consider this in round. I absolutely acknowledge that there are strong views across the House on all these areas, and I also acknowledge that there are experiences in parts of the country that are really challenging at the moment. That is one of the reasons why I am keen to hear views from all colleagues over the course of the months ahead. It is why I am really keen to understand the suggestions of any colleagues about how we make progress, building on that significant increase of pitches that has occurred over my lifetime and recognising that we need to look at the issue in the round.

I will certainly pass on my hon. Friend’s comments on enforcement to the Home Office, and I look forward to continuing discussions with colleagues from across the House on this in future. We need to look at how we get this policy right, how we understand it and how we respond to some of the rightful challenges that have been set, while recognising that there is a balance that always needs to be struck here. It is about learning from experiences and working out how policy can be iterated and amended over the long term to ensure that it makes progress.

Question put and agreed to.

Under-10-Metre Fishing Fleet: South-West

(PHILIP HOLLOBONE *in the Chair*)

4.30 pm

Steve Double (St Austell and Newquay) (Con): I beg to move,

That this House has considered the future of the under 10-metre fishing fleet in the South West.

I am delighted to bring this debate to the House today and be joined by a number of my Cornish colleagues, my hon. Friends the Members for South East Cornwall (Mrs Murray), for Truro and Falmouth (Cherilyn Mackrory), for North Cornwall (Scott Mann) and for St Ives (Derek Thomas), and my colleague from across the water, the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard). I think it would be appropriate to begin by acknowledging that last Sunday was the first national fishing remembrance day. We should always remember that fishing continues to be one of the most dangerous occupations, and we should remember those down the years who have lost their lives while fishing.

We are blessed in Cornwall with a richness of natural resources, and our diverse and plentiful fishing waters are one such resource. There is no doubt about the importance of the role that the under-10-metre fishing fleet plays nationally and locally. According to the Department for Environment, Food and Rural Affairs, the under-10-metre fishing fleet represents around 80% of the UK's total fishing vessels, while providing 50% of catch-related jobs, often in coastal communities such as those in my part of Cornwall, which tend to be less affluent and are often more vulnerable to socioeconomic challenges.

The under-10-metre fishermen land over £110 million-worth of fish and shellfish annually. They are one of the most important parts of the fishing industry, and we should be doing all we can to support them. Many of them are small family-run businesses that have been handed down from generation to generation over many years. It is fair to say that they are the backbone of our fishing industry in the south-west. They are at the heart of coastal communities in places like Mevagissey, Newquay and Fowey in my constituency and across Cornwall. They are vital for the economy of these coastal communities. Every fisherman on a boat supports up to 15 other jobs ashore in the seafood supply chain.

(CHRISTINA REES *in the Chair*)

The under-10 fishing fleet also supports tourism. People love to come to places like Mevagissey to see a working fishing port. The fleet are also a key part of our local culture, shaping our local communities, not just through the food they provide but through music, with the many sea shanty choirs—the Fisherman's Friends at Port Isaac being the most famous, of course. Of the 3,700 under-10 vessels registered across the UK, 75 are in my constituency, mainly in Mevagissey and Newquay, with over 400 across Cornwall as a whole. The under-10-metre fleet is sadly in decline. We have been losing more than 100 vessels a year. That is concerning. The hope or expectation was that as a result of leaving the EU and regaining control of our fishing waters, we would have the opportunity to grow our fishing industry.

The under-10-metre fleet is the most sustainable and has a lower environmental impact than larger vessels. First, that is because its vessels are self-limiting. They are unable to go out in heavy seas and high winds. They are also limited by range. They are very often referred to as the inshore fishing fleet because they mostly fish within the 6 nautical mile inshore zone. Unlike large vessels, under-10s cannot go hundreds of miles out and spend many days at sea. Many of them are handliners or use smaller nets, meaning that on average, the under-10-metre vessel spends less than 100 days at sea in any typical year. In that regard, they are more sustainable and their mode of operation helps prevent the overfishing of stocks. They tend to produce higher-quality fish and they focus on quality rather than volume. That also means there is usually minimal bycatch and almost no discards, limiting their environmental footprint. Despite their significance to the fishing industry by almost every statistic, they are only allocated a small part—around 2% or 3%—of the UK quota.

Our under-10-metre inshore fleet is resilient, flexible and able to adapt. Despite the many challenges they face, the fishermen will more often than not find ways to adjust to continue to make a living. Yet we should not take that for granted. One of those challenges is the impact of climate change and the warming of our seas, in the changes we are seeing in where fish are found and the availability of species that our fishermen can catch. Fish will move, and are moving, to cooler seas further north; the warmer waters around the Cornish coast are attracting different species of fish.

I hear from local fishermen that the Marine Management Organisation is seemingly overlooking the shift in fisheries, with our fishermen being allowed little lateral movement. That means that if someone has an entitlement to a particular species, they are pigeonholed to that species. If that species moves further north due to the warming of our waters, the fishermen are required to buy expensive species quotas or change their licences, and that generates significant additional costs. That is disproportionately affecting younger fishermen, of whom we have many in Mevagissey, who have mortgages to pay and families to feed but who have not been able to make that lateral movement across the fisheries to adapt to changes brought on by our changing climate.

Quite a few of the fishermen in Mevagissey are suffering the high costs of buying entitlement, for instance, to fishing bass. That lack of flexibility is hurting our under-10-metre fishermen harder than the larger vessels, which are generally part of larger businesses and are able to absorb the cost of moving to new fisheries. I will bring to the Minister's attention three specific species where I think we could be doing better for our inshore fleet.

First, bass. The harbourmaster at Mevagissey, Andrew Trevarton, has made the case to me very clearly that scientific evidence shows an increase in bass stock in our seas. Yet there are still a number of boats in the south-west that have no entitlement to bass whatsoever. From 2012 onwards, those boats were effectively removed from the entitlement due to not being able to catch any within a 12-month period. The MMO and the Department for Environment, Food and Rural Affairs should at least consider all boats to be active in that fishery. Most will be handliners, but even they are unable to access bass.

Commercial fishermen often feel they are being unfairly treated as compared with recreational or charter anglers. That applies to a number of species, but particularly to bass. A recreational angler can go out and fish for a couple of bass a day, every day, and keep their catch, whereas an under-10-metre boat may end up with dozens of bass as a bycatch but without the requisite entitlement to keep a single one. Fishermen tell me that they do not think there will be any danger to the bass stock, given that the French have stopped pair trawling for that species. We need to provide flexibility in our quota system, by allowing boats that have not yet built a track record to be given a quota for bass. Also, at the moment, a lot of bass is caught as bycatch and has to be discarded. That seems irrational and wasteful, given a lack of scientific evidence to suggest any significant risk to the stock.

Secondly, tuna. Tuna is the most important species to come into Cornish water in recent years as a result of our warming seas. We are seeing a lot of tuna turning up in our waters right now and I place on the record my thanks to the Minister for Food, Farming and Fisheries, my right hon. Friend the Member for Sherwood (Sir Mark Spencer), for his work to develop the pilot scheme for tuna. It would seem that this important species will be a growing part of the fish available in Cornish waters in the years ahead. I ask the Minister to ensure that DEFRA and the MMO do all they can to further develop a sustainable commercial tuna quota in the coming years. That could be a real win for the Cornish under-10 fleet, and help it develop a new market. It is vital that we ensure that local fishermen can make the most of that new opportunity.

There is a danger that as a nation we conserve our tuna, but not for UK vessels. Instead, we are seeing the stock swim over into international waters, outside UK waters, for international vessels to Hoover up. Tuna are a predatory species, which catch other species to feed on. They are growing fat on the fish in UK waters, to then swim outside UK waters to be caught by someone else. I would argue that we do not need to take too cautious an approach to tuna, and we should allow a greater quota in the years ahead.

Another factor, which I know that the Minister is aware of, is the limiting of vessels to either a commercial or a charter licence. That is affecting some of the fishermen in Mevagissey who up until now have operated both licences. We do not impose that restriction on any other species, and while I appreciate some of the thinking behind it, I urge the Government to look again and see what we can do, going forward.

Thirdly, I want to mention pollack. Having had the opportunity to raise the issue of pollack quota in an Adjournment debate just a few weeks ago, I will not go into great detail. However, I place on record again my thanks—and the thanks of many fishermen in my constituency who have relied on pollack—to the Minister and the Secretary of State for their great support in enabling us to establish a compensation scheme. It has been a lifeline to dozens of fishermen who were adversely affected by the removal of the quota. It shows that this Government are on the side of our fishing industry in Cornwall, and are willing to listen and act when needed.

We now need to work to re-establish a pollack quota in a sustainable way as soon as possible. It is widely recognised by most people that the best way to increase

the stock of pollack and many other species would be to have a closed period during the spawning season. I ask the Minister to take note of that point and, as we look forward, to restore a total allowable catch for pollack in the hopefully not-too-distant future.

Before summing up I want to raise a recent issue that will have a huge impact on fishermen in Cornwall—the closure of the Plymouth fish market. Most of the fish landed in mid-Cornwall currently go to Plymouth, but the market is due to close in the coming days. That will mean fish from mid-Cornwall having to go to Newlyn, which is likely to mean that it will be a day late getting to market. That will have an impact on the price that the fisherman can secure. It is not a sustainable situation going forward, and we need to recognise the huge impact that it will have on the viability of both fishermen and the port of Mevagissey.

One issue is that the market has asked for the immediate return of all the fish boxes that the fishermen use to pack the fish for landing. The fishermen have applied to the MMO for a grant to help replace those boxes quickly, and I ask the Minister if he would look at what can be done to help them as a matter of urgency. Going forward, we need to see the Plymouth market continue; we need to find an answer to keep it open as soon as possible. I know that discussions are going on with various partners within the fishing industry, but I again ask the Minister for any help that he can give to ensure that that vital market remains open.

We will shortly be approaching the end of the current five-year trade and co-operation agreement with the EU, which will provide an opportunity to review and renegotiate our arrangements for the management of our fish stocks and quotas. As we look to renegotiate, the under-10-metre fishing fleet has made it clear to me that its priority in any renegotiations is that we take more control of our fishing waters, out to the 12-mile limit. The current arrangement means that foreign vessels are able to fish right up to our six-mile limit, including in waters that our under-10-metre fleet would be able to fish in. Fishermen tell me that they often feel that foreign vessels are literally taunting them by sitting on the six-mile limit and hoovering up the fish from our waters. Many would like to see us ban all foreign vessels from fishing within 12 miles of our coast. That may not be immediately achievable, but I hope it is something that we will set as a mid-term goal. In the meantime, we should seek to have much more control over which boats are allowed to fish in these waters.

Our under-10-metre fishing boats are the heart of many of our communities. They are the backbone of our Cornish fishing industry, and support hundreds of jobs in the supply chain. It is vital that we do all we can to ensure that they have a viable future and continue to provide high-quality seafood for the UK, and for export markets, in the most sustainable way. The Minister has demonstrated that he wants to do all he can to support this part of the sector. I look forward to listening to further contributions to the debate, and to the Minister's response, but I trust that we can send a clear message from this House to the many dedicated fishermen who risk their lives to provide us with the highest-quality fish for the table, that we recognise the important job they do, that we are on their side and that they have our support.

Several hon. Members *rose*—

Christina Rees (in the Chair): I remind Members that they should bob if they wish to be called to speak in the debate. I intend to start the wind-ups at about 5.13 pm, and to allow Steve Double a couple of minutes at the end. If Members could speak for less than five minutes, I would be really grateful.

4.47 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate, and I congratulate the hon. Member for St Austell and Newquay (Steve Double) on securing it.

I understand the title of the debate—it is very clear what it means—and I will pose some questions about how the south-west is treated in relation to this issue, and about the importance of under-10-metre boats. I absolutely appreciate the hon. Member's desire to make his fleet the centre of debate, but under-10-metre boats need support right across the United Kingdom, not just in the south-west. In his introduction, the hon. Member referred to the 3,000-plus under-10-metre boats in the United Kingdom. I have some in my own constituency, and I will raise a couple of issues. Although the Minister is not directly responsible for fishing in Northern Ireland, he has some responsibility for the allocation of quotas, and I want to put that on the record.

Taking into account the fact that the visa process is costly for skilled workers who are not paid in the highest band, it is clear that we really need support in recruiting and training local crew. I am sure the hon. Member and many others present will agree that the same recruiting and training is important, no matter where we are in the UK. We need initiatives to bring new entrants into the industry, which is as applicable to my constituency in Northern Ireland as it is to the south-west. Fishing is not necessarily top of the careers choice agenda in urban schools, so how do we make it more attractive? The fact is that if we do not begin to attract younger people to fishing, we will not have a secure British fishing future, regardless of quotas.

I urge a note of caution on the under-10-metre quota allocation, to which the hon. Gentleman referred. I know it is important, but there may be a variety of opinions on that. I point out the obvious: any review of quota allocation mechanisms to ensure that under-10-metre boats get a bigger slice of the cake may be at the expense of existing quota holders. If a UK-wide approach is taken, that could be difficult for the fleet in Northern Ireland, which already struggles to make ends meet.

I did my advice centre in Portavogie last Saturday. Most of the issues from the people who came to see me were about fishing. If at the end of the quarter of the year there is some quota that has not been used, rather than lose that quota it would be appropriate to disperse that among the under-10-metre boats. I must flag this to the Minister: there must be cognisance of the Northern Ireland fishing fleet and the Scots fleet when discussing the allocations. I know the Minister always tries to be helpful in his responses to any questions that I ask in the Chamber. Any sweeping generalised changes might not prove popular with some of my fishermen back home.

I wish to briefly raise the issue of zero-catch advice on pollack, and possibly the recent scallop closures, and encourage the Government to engage early with fishermen. The hon. Member for St Austell and Newquay had an Adjournment debate on this. He spoke extremely well, as he always does, and he got a fairly good response

from the Minister. I think he was pleased and certainly I was encouraged by that, but when it comes to engaging early enough with fishermen, the mitigation strategies and alternative management measures might be developed in a more timely fashion to ensure that information and engagement drives our approach in these areas.

I support what the hon. Gentleman says. I will support others who speak as well because they all want the best for their fishermen, as do I. With that, I support what the hon. Gentleman said.

4.51 pm

Mrs Sheryll Murray (South East Cornwall) (Con): It is a pleasure to serve under your chairmanship, Ms Rees. This debate has come at a timely moment, as my hon. Friend the Member for St Austell and Newquay (Steve Double) mentioned, with last Sunday being the first national fisheries memorial day. I was honoured to lay a wreath in Looe with my daughter in memory of my late husband, Neil Murray. I pay tribute to all the rescue services and the seafarers charities that provide so much support for this important industry in so many ways.

I also want to thank the Minister, my right hon. Friend the Member for Sherwood (Sir Mark Spencer), for returning my call so quickly last Friday to listen to the concerns about the difficulties faced by the local Looe fleet in transporting its catch, given the closure of Plymouth Trawler Agents, where the landings have traditionally been sold. I hope that a resolution can be found by everyone working together with Looe Harbour Commissioners.

Although the news about Plymouth Trawler Agents has come as a surprise, I want to put on record my personal thanks to David and Alison Pessell, long-standing friends whom I have known for the past 40 years, since David's vessel, the *Tardis of the Yealm*, was pair-trawling with our vessel, the *Golden Dawn*. Some 40 years later, both boats lie on the seabed; sadly, Neil is no longer with us. I sincerely hope that David and Alison enjoy a restful retirement, which they deserve after serving the industry in the south-west selflessly, both locally and nationally, for such a long time.

Given the limited time, I will turn to one thing that I think will secure a future for the under-10-metre fleet. As the former owner of an under-10-metre trawler, the *Cygnus 33 Our Boy Andrew*, I can honestly say that I know how vessel owners struggle to make a living. I can also confirm that our boat was part of our family and gave us a comfortable living, although I admit it could be stressful at times.

I met the National Federation of Fishermen's Organisations yesterday. It agreed with me that there was one thing that could help the small vessels continue to provide us with a healthy source of protein, so I ask the Minister to consider that today.

On 30 December 2020, during the debate on the European Union (Future Relationship) Bill, I said:

"We must prepare ourselves for 2026. With the UK an independent coastal state, the Minister can take decisions to free us from a fisheries management regime that has been hampered by the constraints of the CFP. We can honour our obligations under the United Nations convention on the law of the sea, but be flexible to ensure all UK fishermen can benefit from this partial freedom and take the necessary steps to ready ourselves when we—as we must—really take back complete control of our waters in 2026."—*[Official Report, 30 December 2020; Vol. 686, c. 558.]*

Access to our six to 12-mile limit was agreed and set out in the London convention of 1966, which predates our membership of the European Union. Article 3 sets out:

“Within the belt between six and twelve miles measured from the baseline of the territorial sea, the right to fish shall be exercised only by the coastal State and by such other Contracting Parties, the fishing vessels of which have habitually fished in that belt between 1st January, 1953 and 31st December 1962.”

That specifically named the vessels in question, and I put it to the Minister that it is unlikely that any of these vessels are at sea or fishing today. The 2002 common fisheries policy review made access to the six to 12 mile-limit permanent, which changed the London convention; instead of access for specific vessels, access was given to the number of vessels from other member states.

Now that we are no longer subject to CFP legislation, it is time to revert to the terms of the 1966 London convention. The time has come to ensure that access to our six to 12-mile limit is reserved solely for UK-registered fishing vessels. Specific conservation rules in each area can be set by inshore fisheries and conservation authorities. When I put that to the NFFO on Monday, it agreed that this was the single most important protection that the Minister could provide to ensure a future for our under-10-metre inshore fleet. These vessels are the way that new blood enters this vital industry, and we must do everything we can to support them. I finish with a message to all fisherfolk throughout our nation: fair winds and following seas.

4.56 pm

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): It is a pleasure to speak in this debate, Ms Rees, and I congratulate the hon. Member for St Austell and Newquay (Steve Double) on the way in which he introduced this debate. I echo many of his sentiments—on the fact that the under-10-metre fleet is important, not only to Cornwall, but to Plymouth and across the south-west; and on the rough conditions in which many go to sea to try to earn a living and to put fish on our dinner tables.

The first National Remembrance Day for those who work in the fishing industry was a welcome addition to the calendar, and I am glad that there were remembrance events all around our country to remember those we have lost at sea. Having a vibrant fishing community is important to our coastal communities, and I appreciate the work of the hon. Member for St Austell and Newquay in supporting it in Cornwall. As we heard from him, what is good for Cornwall is often good for Plymouth and vice versa.

Most of my remarks concern the closure of Plymouth fish market, which will have a profound impact on the under-10-metre fleet—not only those vessels that land fish in Plymouth, but those that land fish in ports right across the south-west and then have that fish overlanded to be sold from Plymouth. The closure demonstrates a real fragility and uncertainty in the sector. Those who will be most affected by this are the small-scale local fishers who cannot relocate and who want to work out of a port where auctions are available. That includes fishers not only in Plymouth, but in ports right across south-east Cornwall and further into Cornwall.

It is clear that additional transport costs will be levied on those fishers, not only in the landing dues that they will have to pay to land in the port they normally land in, but also for the overlanding and the delays. It is

really important that fish can be taken to market in a speedy and efficient manner to preserve quality, and therefore the value, of the fish. Any delay in that process risks loading further costs on a sector that has already struggled quite a bit.

I have spoken to Plymouth City Council about this. It has met Plymouth Trawler Agents and the Plymouth Fishing & Seafood Association, and has had discussions with Sutton Harbour Group, the landlords for the fish market site. We have received the news that PTA is closing, and I echo the thanks from my neighbour, the hon. Member for South East Cornwall (Mrs Murray), to David and Alison Pessell. They have both been real stalwarts for our industry, and I wish them a happy retirement. However, the closure of PTA fundamentally undermines the viability of the Plymouth fish market, a building that needed to be updated anyway. There is a real concern that once it closes its doors on 17 May, an interim measure of transporting catch to other markets, whether Brixham, Newlyn or elsewhere, will soon be locked in as a permanent, additional cost to those fishers.

I think everyone wants to restore a market and an auction in Plymouth, which I would be grateful if the Minister could assist us to do. There is cross-party concern for this here, because we are all representing our fishers, who want to get a good deal. For instance, we need to ensure that the return of the fish boxes that is being asked for can be secured. That is a really strong investment that the PTA has made, but it is a big cost for fishers to replace them. Equally, grading machines need to be secure to ensure there is a possibility of a new operator coming forward without that heavy capital cost of reopening a market. We need to keep the options open for under-10 boats, particularly in being able to land their fish in Plymouth and other ports, and have it overlanded to Plymouth to keep the viability of that sector.

We need a new operator but, importantly, this must not be an opportunity for Sutton Harbour Group to bring forward plans for luxury flats on the site of the fish quay, which we know it has wanted to do for a great amount of time. Sutton Harbour offers incredible opportunities for high-density lateral living with beautiful views, but those flats should not be built on the fish quay. As soon as homes are built on the fish quay, the possibility of preserving a vibrant fishing industry in Plymouth disappears almost all together. We need to safeguard the fish quay land. The council has already made steps to do so in the local plan, but it must be viable for a new operator to take it over. That is why I hope the Minister will be able to convene support for Plymouth City Council, the Members of Parliament from the area, and the industry, to look at what measures, grants and support are available from Ministers and his Department to ensure that the barriers to reopening the fish quay and providing a new auction, are not set so high that it is impossible for anyone to take those steps. It is essential that a new operator is found in order to do that.

I did want to speak about the importance of ensuring that we continue the further roll-out of the Plymouth lifejacket scheme, with personal locator beacons. I realise that is a Department for Transport, rather than a DEFRA, responsibility, but it is important that we send the message that safety is valued. Given the importance of the Plymouth fish quay and the fish market there, I want to make sure that is heard. I hope the Minister

[Luke Pollard]

understands the cross-party concern that exists for this in the far south-west, and I hope he will be able to support us in keeping the option open for a new operator to come in.

5.2 pm

Derek Thomas (St Ives) (Con): It is a real privilege to be able to speak in this debate in support of our inshore fleet right across Cornwall and beyond, and to commend my hon. Friend the Member for St Austell and Newquay (Steve Double) for securing the debate.

It was a genuine, moving moment on Sunday morning, when we in Newlyn remembered the more than 100 fishermen who had lost their lives around our waters. It was a really important thing to do, and I am glad we now have that annual service to commemorate those fishermen. I am also grateful to the Fishermen's Mission for their work to support fishermen day and night, wherever they might be fishing from.

I wanted to talk a little bit about the extraordinary contribution that the inshore fishing fleet makes to UK plc and the UK as a country. We began to talk about national food security; it is really important that we get energy and food security in the right place. The report we launched earlier in the year, "The True Value of Seafood to Cornwall", demonstrated that for every one fisherman, there are 15 jobs created. Whether it is enormous amounts of money or good, nutritious food, there is no real part of Cornwall that our fishing industry does not reach. Fishing provides a really important contribution to food security, and I hope the Minister can contribute to conversations across Departments about how fishing is a key part of national food security. I do not think they would, but I hope that the Government would never shy away from promoting UK fish on dinner tables around the UK.

The Fisheries Act 2020 was a fantastic thing that we delivered after leaving the European Union. It has taken time, but that has enabled us to deliver regional management plans. We now have a far better understanding and, hopefully, the ability to plan and control fish stocks, and harness and manage them around different parts of the coast. We all know that in Cornwall, for example, we have mixed fisheries, which are not typical elsewhere, so it is important that we have a regional management plan.

I commend the Cornish Fish Producers' Organisation and others that have contributed to that work in a mature and intelligent way to help to shape the Act as well as those regional plans. However, the pace has been slow. Although the pollack ban is regrettable, as my hon. Friend the Member for St Austell and Newquay said, the response from the Department, and the Minister in particular, to compensate and support fishermen who would rely on pollack—particularly in this early part of the year—has been really helpful. The use of regional plans could actually avoid those shocks in the future. I would therefore encourage and support the Minister's efforts to use regional management plans to avoid these shocks, and to enhance and secure stocks in ways we have always wanted to see, but which have not necessarily been possible until recently. It would build confidence for the fishing fleet.

On infrastructure investment, we have had the £100 million seafood fund. Will the Minister be able to commit at all, or at least comment on the appetite to ensure that that fund is available again in the future? We need to continue the work to transition our fleet to meet our sustainability commitments and to invest in our harbour and port infrastructure so that it meets the requirements of not just the inshore fleet—the fishing fleet that lands, as we heard about in Plymouth—but other things that are delivered at sea, such as floating offshore wind infrastructure and so on. It is important that where fish is landed, the facilities are there to make the most of the value of that fish.

As we have heard already, a significant opportunity sits before us. The Minister is aware of our commitment. The opportunity to create the exclusive 12-mile limit with the Brexit fisheries deal renegotiation in 2026 cannot be understated; the opportunities for the initial fleet in particular are extraordinary. It offers a massive win for the UK sustainable fishing industry, offering a better way to manage, protect and enhance our fish stock. My hon. Friend the Member for St Austell and Newquay talked about the fact that the inshore fleet are limited in their days at sea and their efforts because of the weather. That offers a great way of managing fish stock. By protecting that 12-mile limit, we give the inshore fleet much greater access to fantastic, nutritious food for our tables, and provide the opportunity to revive and enhance our coastal communities.

There is no part of my constituency that does not have a history, and some presence still, of an inshore fishing fleet. The opportunities to continue to enhance the inshore fleet and to grow those communities and all those jobs we talked about are there to be had. Let us restore the fishing fleet and skills, and help to secure food security with a particularly nutritious offer for our UK consumers.

5.8 pm

Cherilyn Mackrory (Truro and Falmouth) (Con): I congratulate my neighbour and hon. Friend the Member for St Austell and Newquay (Steve Double) on securing this debate, which is vital to not only my constituents but my family. As many Members will know, my husband is a commercial fisherman of an under-10 metre vessel. I spoke about this in my maiden speech four years ago, and I thought I would remind this Chamber what I said:

"When he rings to say that he is still an hour away from safety and the weather has taken a turn for the worse...I can tell you now that the dread is palpable"—

it is still the same feeling, because it happens from time to time. I said:

"We need to champion our small boats... Their job is precarious enough. We need to support our coastal communities to brave the elements and thrive in the 21st century. There are opportunities on the horizon, and we need to grab them with both hands and bring them home."—[*Official Report*, 26 February 2020; Vol. 672, c. 364.]

That is as true today as it was then. We absolutely have the opportunities ahead of us that they and we can take advantage of. I do not think we value our under-10 fleet, or the fishermen themselves, in the way that we could just yet.

As we have heard already, such a vessel is generally crewed by a single hand. They cannot go that far, and cannot stay out for more than about a day. They often

fish overnight. Yet they, especially the handliners, will bring home the most sustainable and best-quality catch that this country has to offer. They help each other at sea and on land, and they therefore promote and preserve our communities in a way that we would all welcome.

The Government have done lots on their safety and the grant schemes, and they all want to say thank you for that, but at the moment they are tying themselves in knots over Maritime and Coastguard Agency and MMO rules and regulations. They understand why those are there and that they are for their safety and for the safety of others, but these men work 15-hour days pretty much. I have heard from men—it is usually men, I am sorry to say—that although some of them are tech savvy, some do not even have mobile phones, some are dyslexic and others just did not get very good qualifications at school, so they find it really difficult to stay on top of all the admin. There are monthly safety records, catch returns and MCA checks to name but a few. They understand why they need to do it, but please can we continue to make it as simple as possible?

In addition, fishermen have had their quota removed for pollack, one of their main species. I put on record my genuine thanks to the Minister, who listened endlessly to us, and to the Secretary of State, for their persistence in ensuring a compensation scheme for boats. That is welcome, and I know that dozens have been helped by it, but—I am really sorry and it pains me to say this—that I still receive representations formally and informally from many small producers who just missed out and are still really struggling. That comes from the much smaller vessels, so I would be grateful to discuss with Ministers that there are still struggling boats and what we might be able to do to help keep them going until we come up with a longer-term plan.

More than that, fishermen just need the quota back, particularly for the handliners. We went over the arguments when we were trying to work out a compensation scheme. These vessels do not make a dent in stocks, so suggesting that they do compared with the enormous factory ships out at sea is frankly ludicrous. I would go even further: perhaps with the exception of bass, I would take away quota limits on any species for the under-10s, particularly the under-10 handliners, because they make such a little dent in those. We should let them catch what passes their way, as long as their licences allow them to; they simply cannot dent the stocks.

I am a great supporter of the angling businesses in my country—in fact, that is what my husband used to do—and have a great many friends in the industry. It is great for the Cornish economy and tourism, but at the moment it is not a level playing field. Most smart angling trips will promote catch and release, and take only what they want for the table, but I have seen other photos on social media—I have sent them to Ministers before—where the anglers are taking too many. They are filling up their boats with pollack, and it is a real slap in the face for the commercial fishermen who not only have lost out on the compensation scheme, but still cannot catch anything. To be clear, they are often having to throw the fish back dead. Fishermen would like to see the MMO level the playing field and check what is coming in on the angling boats.

If we do not take stock of where we are, I am worried that we will see our Cornish harbours filled with just yachts and no working boats, whereas if we have a

healthy mix of both, it means a healthy economy and it is good for Cornwall. What do we need to do? Just as we are now starting to do with farming, we need to highlight, value and assist the smaller producers who bring home the most valuable produce to market to ensure that they receive a fair price for their insanely hard work and that the things they have to do outside of fishing are as easy as possible—that is not just the admin that I have already mentioned but, for example, more fuel barges. We would like to have one in the bay of Falmouth, but I cannot work out how to get one set up or where it could go, so some help to do that would be great.

Fishermen also need help to land the product. We have heard about Plymouth already and know that Newlyn is going great guns. It is not so much about where the fish get landed, but where they can get a fair price, which usually happens at the auction, so where will the auctions be to ensure that they can do that? We also need to bring new blood into the industry. We see that there are some good apprenticeship schemes on the larger boats down in Newlyn, but I would like to see some apprenticeships on the smaller boats too, where the skippers who have been at sea for a long time can bring on the young blood. I agree with my hon. Friend the Member for St Austell and Newquay on two out of three of his requests.

Christina Rees (in the Chair): Order. Will the Member please wind up?

Cherilyn Mackrory: The bass licences are the one request on which I slightly disagree with my hon. Friend and which needs more thinking. That is important, because if we just give the bass licences out to everybody else, those who have them immediately see a devaluation of their vessels. Please can we think carefully before we accept that?

I want to put on the record my thanks to all the fishermen who risk their lives—and believe me, they do—when the fresh fish is delivered. If everybody in the UK ate fresh British fish, we would hopefully support them ourselves.

5.14 pm

Daniel Zeichner (Cambridge) (Lab): It is a pleasure to serve with you in the Chair, Ms Rees. I congratulate the hon. Member for St Austell and Newquay (Steve Double) on securing this debate, because the inshore small-scale fleets are vital not just to the fishermen and their families, who rely on them for household income, but, as we have heard, to the shore jobs that they sustain and the wider benefit that those iconic fleets deliver across their coastal communities. There is rightly a proud heritage of fishing at the heart of our coastal towns and villages, not just in the south-west but across the country. It is not unusual to meet fishermen who can trace their fishing families back many generations. I recently met one in Beer who can trace his family's fishing roots back to the 1600s.

I should say at the outset that we are discussing under-10-metres, but I am mindful that that can seem an arbitrary definition that came into force long ago and perhaps does not properly recognise the differences between a 7-metre open-top boat that launches off a cobble beach and an under-10-metre twin-rig trawler or

[Daniel Zeichner]

a 15-metre clinker-built wooden boat, with less power and catching efficiency than some under-10-metres. It is perhaps time to consider whether one size fits all.

These brave fishers who set sail in the smallest of our boats, risking their lives to bring us fish suppers, are in many cases having a really challenging time. The stress and anxiety around the coast are palpable, as we heard in many of today's contributions. I, too, pay tribute to organisations such as the Seafarers' Charity, the Fishermen's Mission and the other charities that help to fund and support our small-scale fleets with mental health and financial support for households when families find themselves without a safety net and nowhere to turn. As we have heard, this debate is timely with the National Fishing Remembrance Day events held a few days ago.

It is indisputable that this sector has struggled in recent years, lurching from one crisis to the next, leaving these micro-businesses, often single-handed owner-operators, to try to piece together a living against a backdrop of, too often, knee-jerk fisheries management. Most recently, the pollack debacle has left so many of these vessels without fishing opportunities for part of the year and with a compensation scheme that, frankly, seems to many to have been rushed through without consultation, with many not receiving much-needed help. Although I understand that the 30% bar set for the scheme may sound reasonable, it does not take sufficient account of those small-scale fleets that earn modest incomes of £20,000 to £30,000 a year, and the hardship caused by losing 20% of their income, with no opportunities to replace it.

I hope the Minister will tell us who fed into that policy and why it was decided that these artisan fishermen would receive nothing. I and many others would be grateful if he could take another look at the scheme, to see what could be done to support those who so far have been forgotten. I will not say too much about the ministerial direction that was required to introduce this scheme, but it is, at best, unusual. I wonder whether the Minister could tell us, in his recollection, how often it has been needed.

I am also interested to hear the plan for managing the angling sector's catch and retaining of pollack, as we have heard. Almost 12 months after the International Council for Exploration of the Seas published its advice on zero total allowable catch, why has there not been a consultation to consider whether legislation should be brought forward to track and limit recreational catches?

We know from the fascinating correspondence between the permanent secretary at DEFRA and the Secretary of State, to which I have already referred, that pollack has been in decline for many years. I ask the Minister: how many other stocks have been poorly managed and are at risk of big reductions and zero TACs? He may wish to say none but, if he does not, I suspect we can fear the worst. Pollack is just the latest problem demonstrating that the sector has been let down. The Brexit promise of protection to 12 miles was a pie-crust promise, easily made and broken, like so many others. We have had capping exercises that have had to be reversed, entitlement requirements that now seem challengeable, fisheries management plans being rolled out at eye-watering speed, with little understanding of why some stocks were chosen, and several failed starts

of the inshore vessel monitoring system, with type approvals certifying items of kit—then suspending them, before subsequently being reinstated and removed—all after some fishers had followed Government guidance and rushed to install them. They have had to endure the CatchAPP, which they were told was fit for purpose when it was not. All of that comes against the backdrop of new codes issued by the Department for Transport, via the Maritime and Coastguard Agency.

Mrs Sheryll Murray: Will the hon. Member give way?

Daniel Zeichner: I will not, I am afraid, given that I am very pressed for time.

It seems there was little consideration across Government as to the timing. On the issues raised about the Plymouth fish market, I welcome the comments made by my hon. Friend the Member for Plymouth, Sutton and Devonport (Luke Pollard). Is it any wonder that fishers feel persecuted and left behind? Good fisheries management and enforcement is vital to healthy seas, stocks and food security. Frankly, there can be no doubt that, while this Government have heaped new burdens of epic proportions on this sector in the past few years, they have not delivered their side of the bargain: coherent and considered fisheries management of opportunities, so that families can earn a living and businesses can plan their future.

Finally, I urge the Minister to consider the way in which fisheries management plans and other workstreams have been developed. If he really wants to see more engagement from the sector—if he genuinely wants those people's views and input—he needs to direct those conducting meetings not to hold them in the middle of the day in the middle of the week, thereby forcing fishermen to choose between losing sea time and earnings, and to consider the cumulative impact of having separate organisations running multiple consultations simultaneously. These are in the Minister's gift to fix, so I would be grateful if he could commit to that. The under-10 fleet is critical to coastal communities. They are struggling, and more needs to be done to secure their future.

5.20 pm

The Minister for Food, Farming and Fisheries (Sir Mark Spencer): It is a pleasure to serve under your chairmanship once again, Ms Rees. I start by paying tribute to my hon. Friend the Member for St Austell and Newquay (Steve Double) for securing this debate. I should be clear at the beginning that it will probably not be possible for me to respond to all the points raised in the debate in the seven and a half minutes that are now available to me, but I will do as rapid a response as I can, to get through as much as possible.

Last Sunday, I had the privilege of joining colleagues in this Chamber to attend a memorial service in Grimsby as part of National Fishing Remembrance Day. We are grateful to those who have given their lives at sea to secure fish for the tables of our nation, but we must work tirelessly to make sure that those numbers are not increased and that we keep people safe at sea in the future.

The fishing industry in the south-west has an extraordinarily rich heritage and wonderfully diverse fleets, as my hon. Friend eloquently set out. There is strong industry leadership in the region—I commend the work of the Cornish Fish Producers' Organisation, for example, which has been innovative across a range of issues. Its report on the true value of seafood to

Cornwall makes for powerful reading. It shows that there are 15 shore-based jobs for every fisherman, and that seafood jobs are four times more important to Cornwall than they are to the rest of Great Britain. That is something we need to bear in mind when making decisions in the future.

The innovative marketing of Cornish sole, otherwise known as megrim, has yielded benefits in terms of increased sales. I hope that the marketing of Cornish king crab will work wonders for spider crabs in due course. The industry has worked hard to ensure Marine Stewardship Council accreditation for Cornish sardines and Cornish gillnet-caught hake. I pay tribute to those involved in all the work going on. I acknowledge that there are also challenges, many of which have been raised by my colleagues this afternoon.

Starting with pollack, my hon. Friend the Member for St Austell and Newquay recognised the action that we have taken to compensate those who have been impacted. We were challenged that we should have had a consultation—apparently, we should have consulted. I think that, at that moment in time, had the Government said, “Thanks for raising your concerns. We’ve heard you. We’re going to have a three-month consultation before we decide what to do,” we would have had a disaster. There was no time to navel-gaze at that moment. That is why the Government took strong action at the time and stepped in to try to assist those fishermen.

I am grateful to hon. Members here who came banging on my door with enthusiasm and tenacity in order to secure the future of those fishermen. We want to keep them fishing. We want to keep them in those ports and generating those jobs, which is why we went out and set up a scheme. Around 50 vessel owners will be directly compensated for half their reported pollack landings income in 2023. Almost £400,000 has been paid out so far, and a number of owners are still to submit their paperwork. I encourage them to do that.

Let me turn to bass, which is of course another significant fish species. My hon. Friend the Member for St Austell and Newquay and other colleagues rightly raised the importance of bass fishermen to the south-west. They are also important around the country. That is precisely why we worked with the fishing industry on a bass fisheries management plan. That FMP, published last December, sets out a road map for sustainable domestic stock management. That is crucial.

I should be clear that we always seek to strike the right balance between increasing fishing opportunities where we can and protecting stock for future generations. That is not always easy, because it can have an impact on people’s incomes and their ability to catch fish, but every fisherman I meet tells me that they want future generations to be able to carry on catching fish. They believe in that sustainability, but want to work with the Government to ensure that we see that.

Quota was mentioned briefly. For many years, we have heard about what seems to be an imbalance between the inshore fleet’s access to what it sees as its fair share of quota and that of larger vessels, those not under 10 metres. We will of course continue to listen to those representations, to ensure that we find a way through.

On tuna, I think I am on the record as being quite excited about the opportunities that tuna bring, which a number of colleagues mentioned. I regret to say that we only have a little more than 66 tonnes of bluefin tuna quota,

but I am keen to increase that in future, to ensure that we seize the opportunities for the sporting sector and commercial fisheries, and make the most of them.

Before I finish, I will turn to the immediate challenge for the port of the loss of the Plymouth auction. We are keen to help, if we can, and I want to keep colleagues informed. I am very grateful to my hon. Friend the Member for South East Cornwall (Mrs Murray), who raised the issue with me last week and highlighted the challenge being faced. I think the best outcome is for the private sector to step in, but there may well be a role for Government to assist in that process. What I do not want to see is fish moved in the short term to Brixham and other ports, maybe Newlyn, and for that to corrupt the model that exists at Plymouth in the longer term. We want to see that succeed, and I will of course work with colleagues across the parties to ensure that we find solutions. It might well be worth convening a cross-party roundtable to ensure that we in Government are informed and that Members are aware of what we are doing. I commit to that.

Leaving time for my hon. Friend the Member for St Austell and Newquay to sum up his debate, I will end on an upbeat note. I think that the inshore fleet has a positive future, and I am always impressed by the passion of those in it and by their innovation in the industry. I am sure they will find a way to benefit from the opportunities and the challenges they face. The Government are here to help. We have a track record of helping, and we will continue to do so. Working together and continuing to have that dialogue, we will ensure that we have a bright, profitable and sustainable future for the fishing sector in the south-west.

5.27 pm

Steve Double: I thank all colleagues across the House for an excellent debate and the broad agreement on support for our under-10-metre fishing fleet. The only disappointment was the lack of understanding shown by the shadow Minister, the hon. Member for Cambridge (Daniel Zeichner), of what fishermen want.

I am grateful to the Minister for his response and for his ongoing work to support our inshore fleet, particularly in the south-west. I particularly welcome his commitment to hold a roundtable on the future of the Plymouth market, as we all agree how important that is. I very much welcome that and look forward, I hope, to being able to partake of it. Our fishermen will be pleased to see that we are working together, across the parties, to do what we can to maintain the market.

It is welcome that we are able to have this debate, to support our fishing industry, to show fishermen support and to continue to work together to ensure that they have the best opportunity to continue to thrive in future and, of course, to continue to promote fish as the most sustainable source of protein that we can provide. The more we can get British people eating fish that are caught in British waters, the better it is for everyone. I am sure that is something we all support.

Question put and agreed to.

Resolved,

That this House has considered the future of the under 10-metre fishing fleet in the south-west.

5.29 pm

Sitting adjourned.

Written Statements

Wednesday 15 May 2024

FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE

Conflict in Sudan: El Fasher

The Minister of State, Foreign, Commonwealth and Development Office (Mr Andrew Mitchell): A year ago, the Sudanese people were plunged into a brutal and needless conflict. The Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) continue to inflict terrible violence and harrowing suffering on their people.

The conflict in Sudan has resulted in a country-wide humanitarian catastrophe. The 24.8 million people, 51% of the population, are in desperate need of assistance. Nearly five million people are at risk of famine with estimates that we could see half a million to one million excess deaths. The crushing food insecurity that millions of Sudanese people are facing continues to be exacerbated by access constraints imposed by the warring parties.

Nearly nine million people have been displaced. In a visit to Chad at the end of March, I saw first-hand the harrowing consequences of the conflict, not only for those who have fled to escape violence and hunger, but also on neighbouring states who have so admirably stepped up to help those in desperation, fleeing across the border seeking a safe haven.

El Fasher, the capital of North Darfur, is currently the centre of escalating tensions between the RSF, SAF and armed groups. While the RSF have not yet launched their widely-expected offensive against the city, there have already been devastating violence and dire humanitarian impacts. As highlighted in a recent report by Human Rights Watch, we have already seen from events in El Geneina last year the terrible violence that the RSF and their allies inflict.

Villages surrounding the city have been razed to the ground and continued airstrikes have resulted in civilian areas being caught in the cross-fire. Last weekend, two children and a number of caregivers were killed after a bomb fell near the Médecins Sans Frontières-supported Babiker Nahar paediatric hospital, in El Fasher. Reports have suggested that ethnically-motivated attacks by the RSF and allied militia against non-Arab communities are taking place in villages west of El Fasher. The UK-funded Centre for Information Resilience has also verified fire damage to 32 settlements around El Fasher in April. Humanitarian partners have raised serious concerns about the imminent threat to the civilian population in El Fasher, which includes more than one million internally displaced persons (IDPs); consisting of civilians displaced by the conflict in Darfur 20 years ago, and those who have fled their homes in the last nine months from other parts of Darfur. The city is now entirely cut off from water, food and fuel supplies.

In April, the UK led negotiations at the UN Security Council (UNSC) to deliver a press statement, urging the warring parties to de-escalate in El Fasher and comply with their obligations under international humanitarian law. We also called for a closed UNSC

consultation on the situation. On 2 May, I publicly called upon the RSF and SAF to protect civilians and spare Sudan from their wilful destruction and carnage. The UK will continue to do all we can to bring a sustainable end to the conflict. This is the only way that the abhorrent violence currently taking place in El Fasher, as well as across Sudan, will stop.

Indeed, we continue to pursue all diplomatic avenues to achieve a permanent ceasefire, and we welcome plans to restart talks in Jeddah, jointly led by the US and Saudi Arabia. We urge the region to refrain from actions that prolong the conflict, and to engage positively with peace talks.

As part of our diplomatic efforts to achieve peace in Sudan, we speak to all parties. We have used our exchanges with the warring parties strongly to condemn atrocities they have perpetrated and to demand that their leadership makes every effort to prevent further atrocities in territories they have captured or threatened to capture; as well as to press the need for improved humanitarian access.

On 15 April, I announced a package of sanctions designations, freezing the assets of three commercial entities linked to the warring parties. We will continue to explore other levers to disrupt and constrain the sources of funding that both warring parties are using to sustain themselves.

At the Security Council in March, where the UK is penholder on Sudan, we used the opportunity of the OCHA White Note on the risk of conflict-induced famine to highlight its warning that the obstruction of humanitarian access is resulting in the starvation of the Sudanese people. Using starvation as a method of warfare is prohibited by international humanitarian law.

Our ongoing partnership with the Centre for Information Resilience is also vital in documenting reported atrocities, and preserving and sharing evidence, so that those who are alleged to have committed these horrific acts can be brought to justice. We are committed to ensuring there is no impunity for human rights abusers, no matter what it may take to hold them to account.

On 15 April, my noble Friend Lord Benyon attended the international humanitarian conference for Sudan in Paris where donors pledged 2.03 billion euros to Sudan. To meet the growing need in Sudan, UK aid to the country, including Darfur, will nearly double to £89 million this financial year.

Finally, we will keep working to ensure that the voices of Sudanese civilians are heard: whether that is the survivors and witnesses of human rights abuses; the brave Sudanese NGOs, women's rights organisations and activists helping their communities; or those trying to develop a political vision for Sudan's future. UK technical and diplomatic support has been instrumental in the establishment of the anti-war, pro-democracy Taqaddum coalition, led by former Prime Minister Abdalla Hamdok, and we will continue to support Taqaddum's development.

One year on from the beginning of the conflict, we must maintain international pressure on the warring parties to stop this senseless war, for troops to return to their barracks and for civil society to have the space to pursue a political track to return peace and build security through all parts of Sudan.

[HCWS465]

ENERGY SECURITY AND NET ZERO

Solar Energy and Food Security: Land Use

The Secretary of State for Energy Security and Net Zero (Claire Coutinho): Food security is an essential part of national security. This Government are fully committed to delivering robust UK food security and recognise its paramount importance to our national security. This is reflected in our commitment to maintain the current level of food we produce domestically. Heightened geopolitical risk has brought this into sharper focus and we think it is more important than ever that our best agricultural land is protected and our food production prioritised.

Similarly, we have seen our energy security threatened following Putin's illegal invasion of Ukraine, with the Government spending over £40 billion to pay up to a half of people's energy bills. We are combating this by racing ahead with deployment of renewable energy; nearly half of our electricity today is produced from renewables, which is up from only 7% in 2010. Solar power is a key part of the Government's strategy for energy security, net zero and clean growth. This position was reinforced in the new national policy statement (EN-3), published in January this year, which stated:

"Solar also has an important role in delivering the government's goals for greater energy independence and the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)".

The Government recognise that, in some instances, solar projects can affect local environments which may lead to unacceptable impacts for some local communities. The planning system is designed to balance these considerations against the need to deliver a secure, clean, green energy system for the future.

Protecting the best agricultural land

The new national policy statement that we published in January makes clear:

"applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of 'Best and Most Versatile' agricultural land where possible".

The Government in "Powering Up Britain: Energy Security Plan" clarified that while

"solar and farming can be complementary"

developers must also have

"consideration for ongoing food production".

Nevertheless, in balancing both the need for energy security and food production, we are concerned that as large solar developments proceed at pace, more of our "best and most versatile" land could be used for solar PV instead of food production. I am therefore setting out further detail about how our policy on balancing these competing priorities is intended to be applied.

As is outlined in the national policy statement, the starting position for solar PV developers in taking forward nationally significant infrastructure projects is that applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the agricultural land classification) and preferably use land in areas of poorer quality.

The national policy statement can also be a material consideration in determining applications under the Town and Country Planning Act 1990 and is broadly consistent with the approach to agricultural land in the national planning policy framework which states that:

"Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development".

This means that due weight needs to be given to the proposed use of best and most versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary. Applicants for nationally significant infrastructure projects should avoid the use of best and most versatile agricultural land where possible.

For nationally significant infrastructure projects, including those already in the system, the national policy statement and from today this WMS are likely to be important and relevant considerations in the decision-making process. The Government will keep under review the evidence base underpinning the national policy statement published in January.

Addressing cumulative impacts

While the total area of agricultural land used for solar is very small, and even in the most ambitious scenarios would still occupy less than 1% of the UK's agricultural land, we are increasingly seeing geographical clustering of proposed solar developments in some rural areas, such as in Lincolnshire. When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but whether there are cumulative impacts where several proposals come forward in the same locality.

In parallel, my Department will be expanding the renewable energy planning database to include additional information on the types of agricultural land used by existing solar projects and those in the planning pipeline. This will enable us to carefully monitor the use of land by renewable projects in all regions of the UK.

Improving soil surveys

The Government have heard concerns about the perceived inaccuracy and unfairness of soil surveys undertaken as part of the planning process for solar development. The Government will address this by supporting independent certification by an appropriate certifying body, subject to relevant business case approval, to ensure agricultural land classification soil surveys are of a high standard, requiring surveyors to demonstrate meeting an agreed minimum requirement of training/experience. We will also seek to ensure consistency in how data is recorded and presented, so that reports on agricultural land classification are consistent, authoritative and objective.

Supporting solar on rooftops and brownfield sites

Finally, I want to highlight that increasing the deployment of rooftop solar remains a priority for Government. The installation of qualifying energy-saving materials, including solar panels, in residential accommodation and buildings used solely for a relevant charitable purpose

currently benefits from a zero rate of VAT until March 2027, at which point they will qualify for the reduced rate of VAT at 5%. At the autumn statement 2023, the 100% first year allowance for main rate plant and machinery assets, and the 50% first year allowance for special rate plant and machinery assets, including solar panels, were made permanent. These measures complement the business rates exemption for eligible plant and machinery used in renewable energy generation and storage introduced in 2022.

This year, UK Government launched a new package of measures to support British farming. Under the second round of the improving farm productivity grant, between £15 million and £25 million was made available for the installation of rooftop solar and other equipment to help farms reduce fossil fuel use, improve their energy resilience, and accelerate progress towards net zero.

We also unlocked a key barrier for large-scale commercial rooftop solar, including on farm buildings, through changes to permitted development rights under the Town and Country Planning Act 1990. Concurrently, we introduced a new PDR allowing for the installation of solar canopies in non-domestic car parks.

We will shortly be delivering the future homes standard which will set the energy performance of new homes and is due to come into force in 2025. Our consultation proposals setting out the proposed technical detail of the standard demonstrated the effectiveness of rooftop solar in reducing energy bills for consumers with solar panels. For non-domestic buildings, the future buildings standard consultation proposed significant amounts of rooftop solar which is also expected to drive the use of solar power on warehouses and commercial buildings.

Additionally, social housing and the public sector both offer excellent opportunities to fit solar on homes and reduce bills. As such, we plan to explore further how to ensure that social landlords can provide solar to their tenants, and work across government to help schools, colleges, hospitals, and other buildings to supply themselves with solar power.

Further information on these initiatives will be set out in the upcoming joint Government-industry solar road map.

I am making this statement with support from my right hon. Friends the Secretaries of State for Levelling Up, Housing and Communities and Environment, Food and Rural Affairs.

[HCWS466]

HEALTH AND SOCIAL CARE

Gamete Donation Regulations

The Parliamentary Under-Secretary of State for Health and Social Care (Maria Caulfield): In a parliamentary debate on 23 October 2023, I announced the Government's

intention to update the UK's gamete donation regulations. The first change would allow people living with HIV with an undetectable viral load to donate their gametes. The second change would update the definition of partner donation to include female same-sex couples, therefore reducing costs for those undergoing reciprocal IVF.

Today, we will lay the necessary regulations to make these changes, which will benefit patients across the whole of the UK, supported by scientific advice from the Advisory Committee on the Safety of Blood, Tissues and Organs.

First, this will allow people living with HIV to donate their gametes to family, friends and known recipients provided that:

They have a sustained viral load of less than 200 per millilitre—"undetectable viral load";

they have been receiving antiretroviral treatment for at least six months prior to donation; and

the recipient knows of their HIV diagnosis and provides informed consent.

These changes will benefit hundreds of couples, including same-sex male couples using a surrogate where one or both have HIV, and those seeking known donation from a friend or relative with HIV. This legislative update reflects the advances made in preventing HIV transmission through fertility treatments and is a significant step in further reducing stigma around HIV.

Prior to donation, people living with HIV will undergo a series of tests to ensure their gametes are safe to donate. There is currently a requirement for a post donation HIV test for sperm donations, which is not clinically necessary due to the pre-donation tests. We were unable to rectify this issue in this statutory instrument without causing significant delays. Our priority is enabling people living with HIV to donate their gametes and start a family, and I will look to bring further legislative changes to remove this requirement in due course.

Secondly, the regulations will include an updated definition of partner donation. Under current rules, female same-sex couples hoping to conceive via reciprocal IVF must first go through screening for additional infectious diseases and genetic diseases, which can cost over £1,000. Heterosexual couples are not required to undergo this testing.

This legislation will seek to rectify this disparity in testing requirements and therefore lower costs for treatment. Reciprocal IVF is an increasingly popular way for female couples to have families and this change will help many more couples to afford this treatment.

We hope that these changes will help to create a fairer health system by removing barriers to accessing fertility care, in line with our commitments in the women's health strategy.

[HCWS467]

Petition

Wednesday 15 May 2024

OBSERVATIONS

CABINET OFFICE

Recommendations of the Infected Blood Inquiry

The petition of residents of the constituency of Ogmores,

Declares that people who received infected blood and who have suffered as a consequence have, along with their families, waited far too long for redress.

The petitioners therefore request that the House of Commons urges the Government to implement the recommendations in the Second Interim Report of the Infected Blood Inquiry without delay.

And the petitioners remain, etc.—[*Presented by Chris Elmore, Official Report, 26 April 2024; Vol. 748, c. 1293.*]

[P002966]

Petitions in the same terms were presented by the right hon. Member for New Forest East (Sir Julian Lewis) [P002976], the hon. Member for Croydon Central (Sarah Jones) [P002980], the hon. Member for Cardiff West (Kevin Brennan) [P002984] and the hon. Member for Newport East (Jessica Morden) [P002981].

Observation from the Minister for the Cabinet Office and Paymaster General (John Glen):

The Government are grateful to the hon. Member for Ogmores, the right hon. Member for New Forest East, the hon. Members for Croydon Central, for Cardiff West and for Newport East for submitting petitions on behalf of their constituents concerning the Government's response to the infected blood inquiry, and particularly the issue of final compensation recommendations made by Sir Brian Langstaff.

The Government acknowledge that victims of infected blood have been waiting far too long to see justice and we are progressing this work with urgency.

The Government have accepted the moral case for compensation and, starting in October 2022, made interim payments of £100,000 available to chronic infected beneficiaries and bereaved partners registered with existing support schemes. These payments continue to be made to eligible beneficiaries upon being accepted on to the schemes.

However, we recognise there is more still to be done. On 30 April, Government amendments were added to the Victims and Prisoners Bill. The Government amendments impose a duty on the Government to establish an infected blood compensation scheme. It also establishes a new arms-length body, named the Infected Blood Compensation Authority, to deliver the compensation scheme. The authority will operate on a UK-wide basis to ensure parity and consistency. The Government also agreed to deliver the regulations establishing an infected blood compensation scheme within three months of Royal Assent. This demonstrates our absolute commitment to pay compensation to those infected and affected by infected blood.

Additionally, in order to progress this work as swiftly as possible, a shadow body will be established by 20 May, led by an interim chief executive. This will be critical to getting the practical work in place to ensure the Infected Blood Compensation Authority can be fully operational as soon as possible. The shadow body will be able to begin work such as implementing IT systems and appointing staff which are needed for assessing and delivering compensation payments as quickly as possible.

The Government amendment includes a statutory duty to make interim payments of £100,000 to estates of deceased infected people who were registered with existing or former support schemes, where previous interim payments have not already been made to infected individuals or their bereaved partners. This is an important step forward to get substantial compensation into the hands of families of victims of infected blood.

The Government will make a substantive update to Parliament responding to the infected blood inquiry's recommendations on compensation as soon as possible following 20 May. It is important that the Government await the findings of the inquiry's final report, but Ministers are clear that the inquiry's recommendations should form the basis of any response.

Written Corrections

Wednesday 15 May 2024

Ministerial Corrections

TRANSPORT

Transport Infrastructure: Devon and Somerset

The following extracts are from the Westminster Hall debate on Transport Infrastructure: Devon and Somerset on 23 April 2024.

The Parliamentary Under-Secretary of State for Transport (Guy Opperman): Will my hon. Friend give way?

Mr Liddell-Grainger: Of course—it will be a great privilege.

Guy Opperman: I wanted to try to assist my hon. Friend, because he is referring to two key things. First, by reason of the HS2 funding, for the very first time, local authorities up and down the country—but particularly Devon and Somerset—are being given seven-year funding. They have a certainty of supply of funding, which allows them to purchase new equipment and machinery. [Official Report, 23 April 2024; Vol. 748, c. 273WH.]

Written correction submitted by the Under-Secretary of State for Transport, the hon. Member for Hexham (Guy Opperman):

Guy Opperman: I wanted to try to assist my hon. Friend, because he is referring to two key things. First, by reason of the HS2 funding, for the very first time, local authorities up and down the country—but particularly Devon and Somerset—are being given **11-year** funding. They have a certainty of supply of funding, which allows them to purchase new equipment and machinery.

Guy Opperman: The reality is that Devon and Somerset received a further funding uplift of approximately £15 million in the spring Budget of 2023, and then £10 million of additional maintenance funding in 2023-24. The point I was trying to make to my hon. Friend is that anyone who has ever worked as a parish, district or county councillor, as a Member of Parliament, or who has run a Department knows that having a long-term, seven-year budget is transformational. Any local authority leader will ask, “Could I have some more money and could I know what I am going to get over the next two to seven years?” That is transformational, that is exactly what the PM has done, and that is why local authorities can do different types of investment.

[Official Report, 23 April 2024; Vol. 748, c. 277WH.]

Written correction submitted by the Under-Secretary of State for Transport, the hon. Member for Hexham (Guy Opperman):

Guy Opperman: The reality is that Devon and Somerset received a further funding uplift of approximately £15 million in the spring Budget of 2023, and then £10 million of additional maintenance funding in 2023-24. The point I was trying to make to my hon. Friend is that anyone who has ever worked as a parish, district or county councillor, as a Member of Parliament, or who has run a Department knows that having a long-term, **11-year** budget is transformational. Any local authority leader will ask, “Could I have some more money and could I know what I am going to get over the next two to **11 years**?” That is transformational, that is exactly what the PM has done, and that is why local authorities can do different types of investment.

JUSTICE

Employment Tribunal Panels

The following extract is from Justice Questions on 14 May 2024.

Alan Brown: The introduction of tribunal fees previously led to a 54% drop in the number of cases going forward, and the scheme was deemed unlawful by the Supreme Court, so it beggars belief that the Government are looking at reintroducing tribunal fees, and giving a green light to bad employers to exploit workers, who will be deterred from coming forward. What does the Minister say to the 50 organisations, including the TUC, Citizens Advice, the Joseph Rowntree Foundation and Liberty, that are calling on the Government to reconsider the reintroduction of tribunal fees?

Gareth Bacon: I thank the hon. Member for his question. Many of these issues were raised when the statutory instrument passed through Parliament. The Under-Secretary of State for Justice, my hon. Friend the Member for Finchley and Golders Green (Mike Freer), who is the courts Minister, has written to the Senior President of Tribunals to convey those concerns, and I think that is in part why my noble and learned Friend is meeting the Senior President of Tribunals tomorrow.

[Official Report, 14 May 2024; Vol. 750, c. 119.]

Written correction submitted by the Under-Secretary of State for Justice, the hon. Member for Orpington (Gareth Bacon):

Gareth Bacon: I thank the hon. Member for his question. Many of **the issues regarding employment tribunal panel composition** were raised when the statutory instrument passed through Parliament. The Under-Secretary of State for Justice, my hon. Friend the Member for Finchley and Golders Green (Mike Freer), who is the courts Minister, has written to the Senior President of Tribunals to convey those concerns, and I think that is in part why my noble and learned Friend is meeting the Senior President of Tribunals tomorrow.

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