

Vol. 794
No. 221



Monday
10 December 2018

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Monday 10 December 2018

2.30 pm

Prayers—read by the Lord Bishop of St Albans.

Message from the Queen

2.36 pm

The Lord Chamberlain (Earl Peel): My Lords, I have the honour to present to your Lordships a message from Her Majesty the Queen, signed by her own hand. The message is as follows:

“I have received your Address about His Royal Highness the Prince of Wales on the occasion of his 70th birthday. It gives me great pleasure to convey to the Prince of Wales the loyal and affectionate sentiments to express on behalf of my Lords”.

Freedom of Religion or Belief

Question

2.37 pm

Asked by **Baroness Berridge**

To ask Her Majesty’s Government what is their assessment of the publication produced by the All-Party Parliamentary Group for International Freedom of Religion or Belief, *Commentary on the State of Freedom of Religion or Belief*; and what steps they are taking to mark International Human Rights Day.

Baroness Berridge (Con): My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare my interests as set out in the register.

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, the British Government are deeply concerned about the severity of violations of freedom of religion or belief across many parts of the world. I am grateful to the APPG for producing such a comprehensive report highlighting the scale of the issue. We are marking International Human Rights Day with activities in the UK and overseas. Indeed, earlier today I hosted an event at the Foreign Office to mark the 70th anniversary of the Universal Declaration of Human Rights.

Baroness Berridge: My Lords, I am grateful to my noble friend for his Answer. Although the APPG commentary deals with violations of freedom of religion or belief, International Human Rights Day allows us to draw attention to how interconnected many human rights are. Women from religious minorities in countries outlined in the report, such as Saudi Arabia, India and Myanmar, often face double discrimination for being not only women but from a religious minority. Can the Minister outline whether Her Majesty’s Government, in their country strategies on freedom of religion or belief, or in their research, look at gender discrimination alongside violations of freedom of religion or belief, which is the only way to help these groups of vulnerable women?

Lord Ahmad of Wimbledon: I am grateful to my noble friend for her work on the particular report and she is right to point out the important link between

freedom of religion or belief and ensuring the rights of women and girls across the world. I am pleased to inform her that we continue to prioritise the issue of girls’ and women’s rights across all parts of the human rights agenda and all areas of British foreign policy. She will also be aware of our commitment to ensure 12 years of quality education for every girl across the world.

Baroness Northover (LD): My Lords, on the subject of women’s rights, the Minister will be very familiar with Asia Bibi’s case. Surely there could not be a clearer case for asylum. There are rumours that the FCO and the Home Office wanted to grant her asylum, but it was blocked at higher levels. Is that so? When her case is considered again in January, will the United Kingdom Government be offering asylum if they possibly can?

Lord Ahmad of Wimbledon: As the noble Baroness will be aware from her time as a Minister in Her Majesty’s Government, we do not refer to specific cases. However, I can assure her that rumours are exactly that—rumours. She should not base any question on those. We are continuing to work with international partners to ensure that Asia Bibi’s safety and security is paramount. I can also assure her that, along with the Pakistani Government and our international partners, we are doing our utmost to ensure that that priority is not forgotten.

Lord Singh of Wimbledon (CB): My Lords, does the Minister agree that our ritual listing of human rights abuses around the world is a little hypocritical when we turn a blind eye to human rights abuses carried out by trading partners in the Middle East and elsewhere? What sort of country are we becoming when a government Minister can say in public without criticism, “When we talk trade with China, we should not raise issues of human rights”?

Lord Ahmad of Wimbledon: I assure the noble Lord that I do not share that sentiment. This is important to me. I am proud of Britain remaining a bastion of human rights historically, currently and in the future, ensuring that we, along with our partners and friends, raise issues where there are human rights abuses. Sometimes that is done discreetly and effectively; sometimes we call them out publicly. That continues to be the case.

Lord Cashman (Lab): My Lords, does the Minister agree that the defence of religious belief is paramount but, equally, that we should not go down the route of imposing religious belief and thereby using it to deny people their human rights in various parts of the world, not least in the 36 Commonwealth countries where religion is used as an excuse to deny lesbian, gay, bisexual and transgender people their rights?

Lord Ahmad of Wimbledon: First, I agree with the noble Lord on the issue of forcing anyone to believe anything. My role is not just that of freedom of religion envoy; I am the envoy for freedom of religion or belief. “Or belief” is an important part of my role, ensuring that discrimination against anyone, including the LGBT community, is kept at the forefront of the

[LORD AHMAD OF WIMBLEDON]
agenda. Indeed, as part of our celebrations of 70 years since the charter, we announced that we will co-chair the ERC with Argentina from June 2019.

The Lord Bishop of St Albans: My Lords, it is good to mark the significant progress we have made in the 70th year of the Universal Declaration of Human Rights, but it is worrying that in many parts of the world those human rights are being questioned and pushed back, even by some of our allies. What action are the Government taking to stand with Michelle Bachelet, the UN human rights chief, to “push back” on the push-back?

Lord Ahmad of Wimbledon: The right reverend Prelate is right to raise this issue. On reflection, 70 years since the declaration, here we are in 2018, seeing abuses of human rights across the piece. We have talked about gender, faith and LGBT rights, which remain important priorities for Her Majesty’s Government. We are working closely with the human rights commissioner, Michelle Bachelet. I have met her twice already, as has the Foreign Secretary, to reiterate our strong support for her priorities and agenda.

Lord Collins of Highbury (Lab): My Lords, I thank the Minister for his response. I agree completely with the noble Baroness, Lady Berridge, about the connection between human rights and freedom of religious belief. When giving the Minister responsibility for this matter, the Prime Minister said that we would work with all societies and countries, particularly civil society. What discussion is taking place with faith groups about the issue raised by my noble friend? How can we get people to understand that human rights are fundamental across all groups?

Lord Ahmad of Wimbledon: The noble Lord is again right to raise that. On working with civil society groups, he will be aware that we recently announced £12 million of funding, for which I am grateful to colleagues in the Department for International Development, in support of freedom of religion or belief initiatives to help civil society organisations on the ground in some of the most challenging parts of the world, exactly as the noble Lord articulated. LGBT rights, as well as other rights and gender equality, are an important priority. To give him another practical example, next year will mark the anniversary of my noble friend Lord Hague launching this initiative as the Prime Minister’s representative on preventing sexual violence in conflict. We will mark that by inviting faith leaders to stand together with those of no belief to prioritise the humanity that prevails in standing up for victims of sexual violence in conflict, because no religion, faith or belief sanctions it.

Sudan and South Sudan

Question

2.45 pm

Asked by Lord Curry of Kirkharle

To ask Her Majesty’s Government what action they are taking to support the release of political prisoners held without charge in Sudan and South

Sudan; and, pending any release, what representations they are making to the relevant authorities for such prisoners to be allowed visits by their families and support agencies.

Lord Curry of Kirkharle (CB): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and declare an interest as recorded in the register.

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, through our engagement with senior members of the Governments of Sudan and South Sudan, the UK continues to make clear that any detentions for political reasons are unacceptable, and that any detainees must be treated in accordance with international standards and have access to legal representation and to their families. The Governments of Sudan and South Sudan must respect their people’s rights to freedom of expression, opinion and association.

Lord Curry of Kirkharle: My Lords, I absolutely agree with the Minister’s Answer. The problem is that the leaders of both Sudan and South Sudan have this year declared that they will release political prisoners, but they still retain a significant number. In the case of South Sudan, this was a condition of the peace deal signed by its President. These detainees are still being held without charge, many in dreadful conditions. One is a personal friend. They are being denied access. We have committed this year to address humanitarian aid. We have committed to fund £50 million for Sudan and £130 million for South Sudan. Surely it should be a condition of this aid that they abide by the signature they have made to release these political prisoners, who are still being held without charge. They need to release them immediately. It is a blatant disregard for human rights, as we have just been discussing.

Lord Ahmad of Wimbledon: My Lords, I agree with the noble Lord. I am aware of the facts of the case he mentioned. I assure him that detentions for political purposes are always unacceptable. As he rightly said, over the past year there has been an increasing number of detentions, particularly in South Sudan and Sudan. The UK Government have made clear our concerns both in public and in private. The noble Lord makes important points on the humanitarian support we are providing to South Sudan and Sudan. I assure him that we prioritise the importance of freedom of expression across all elements of society in our bilateral discussions, as I did myself when I visited Sudan recently.

Lord Chidgey (LD): My Lords, the agreement signed between the parties to the conflict in December 2017 stated that they shall release to the International Committee of the Red Cross without delay any prisoners of war and all political detainees. Despite the reiteration of this agreement in June 2018, the Government of South Sudan has failed to comply, as we know. Does the UK agree with Amnesty International that the Government of South Sudan must co-operate with the African Union to establish the hybrid court agreed between them to ensure that those responsible for these abuses can be brought to justice as soon as possible?

Lord Ahmad of Wimbledon: I agree with the noble Lord. He will be pleased to know that this morning I was with Kate Allen of Amnesty International as part of today's celebrations on the declaration of human rights. The points he made are pertinent. We continue to hold them accountable on that very basis.

Baroness Cox (CB): My Lords, a representative of the Foreign Office said at an open meeting that the UK Government's policy regarding Sudan had changed from sticks to carrots. The regime in Khartoum is enjoying munching those carrots, but on this Human Rights Day I ask the Minister: what conditions are the UK Government applying to the Government of Sudan to justify those carrots, particularly regarding the arrest and detention of human rights activists, often with torture, including Mohamed Boshi, who was forcibly removed while in exile in Cairo and is detained in Khartoum's notorious Kober prison simply for being a member of an opposition political party—despite the fact that, in April, President Bashir issued a decree to release all political detainees?

Lord Ahmad of Wimbledon: Let me assure the noble Baroness that I visited Sudan recently and did not go equipped with any carrots. It was quite a candid conversation concerning priorities of human rights, including press freedoms. Civil society organisations were present. I conducted a round table, meeting with one of the senior vice-presidents, and we had some productive outcomes. For example, we will now be pen-holders at the Human Rights Council, and will use that as a means to push further reforms that are required on the ground. The detention of political prisoners, as the noble Baroness and others have made clear, is unacceptable.

Lord Collins of Highbury (Lab): My Lords, I appreciate the Minister's comments and I know that the UK Government have been putting pressure on the authorities, but the case of Peter Biar Ajak is concerning. He has had 135 days in detention with very limited access to legal aid, or even to his family. The case needs to be heard publicly, and I would appreciate the Minister making clear to the authorities that we want a clear understanding that he will be given proper access to legal aid and representation.

Lord Ahmad of Wimbledon: I note very carefully what has been said by the noble Lord and others in this respect, and I can assure noble Lords that, when it comes to political detainees, the very points he has outlined are paramount in our direct engagement with the Governments—be it with South Sudan, as in this instance, or with Sudan—and that we will continue to ensure that the right legal access and support is provided to all political prisoners.

Lord Alton of Liverpool (CB): My Lords, on this 70th anniversary of the Universal Declaration of Human Rights, can the Minister tell us which of the 30 articles in the universal declaration the Republic of the Sudan is not in breach of? Given that some 2 million people were displaced and some 200,000 to 300,000 killed in

Darfur, and that Field Marshal Omar al-Bashir—referred to by my noble friend Lady Cox a moment ago—is indicted by the International Criminal Court for crimes against humanity, how can we justify continuing and trying to step up trade with the Government of Sudan, and what are we doing to bring him to justice?

Lord Ahmad of Wimbledon: On that final point, as the noble Lord and all your Lordships are aware, he is indicted. The Government do not engage with him directly. However, we are looking—as I said myself during my visit—to build support for civil society. I can tell the noble Lord that there is one shimmer of hope, one silver lining to that dark cloud which still hangs over Sudan. I found that on one issue very close to his heart and to mine—the issue of freedom of religion or belief—what I saw on the ground of the relationships between the leaders I met from the Christian and Muslim communities was very positive. Indeed, in some of the challenges the Christian communities have in running their schools, particularly with the governor of Khartoum, the imams from the Muslim community were acting as their advocates.

Viscount Waverley (CB): My Lords, will the Minister outline what he explained to the officials whom he met in Khartoum? What was the response that he got from them?

Lord Ahmad of Wimbledon: It was not just officials that we met in Khartoum; we met government representatives as well. As I have said, the vice-president and Foreign Minister were among them. One of the objectives I had was to ensure that we brought focus to the human rights record of Sudan, and I was therefore pleased that, as an outcome of my visit, they agreed for us to become pen-holders at the Human Rights Council.

Nuclear Energy Question

2.53 pm

Asked by **Viscount Hanworth**

To ask Her Majesty's Government what plans they have for the future of nuclear power in the United Kingdom following the collapse of the NuGen consortium, and given the continuing uncertainty regarding the project for a small modular reactor.

Viscount Hanworth (Lab): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and declare that I have recently been in China on a trip organised jointly by the Nuclear Industry Association and the China General Nuclear Power Corporation to inspect the HPR1000 nuclear reactor at Shenzhen.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con): My Lords, the Government believe that nuclear power has an important role to play in our future low-carbon energy mix. This is clear from our commitment to Hinkley Point C, the first new nuclear power station in a generation, as well as from the launch of the

[LORD HENLEY]

nuclear sector deal in June, which outlines a new framework designed to encourage industry to bring viable small-reactor propositions to the marketplace.

Viscount Hanworth: I must thank the Minister for that Answer but, notwithstanding his assertion, the Government's support for the nuclear industry has been half-hearted at best. They have missed the opportunity to establish a joint Anglo-French nationalised nuclear industry in conjunction with EDF, which would have had a global reach in the area of decarbonisation. Moreover, the Government have failed to give sufficient support to Rolls-Royce in its project to create a small modular nuclear reactor that might have had excellent export opportunities. The project has been held in abeyance for far too long. Are the Government content to allow our nuclear facilities to be constructed and owned preponderantly by overseas suppliers?

Lord Henley: My Lords, I think that is a bit rich from the noble Viscount who speaks, I presume, for a party that was in office for 13 years and did absolutely nothing to produce new nuclear power stations. We have produced a new nuclear power station and we have produced a nuclear sector deal that looks to enhance the sector and aims to support the 87,000 jobs in the sector and increase that number to some 100,000 jobs, and aims to see a 30% reduction in the cost of new-build projects and so on—I could go on. We are committed to the nuclear sector and will continue to be so.

Lord Howell of Guildford (Con): My Lords, can my noble friend give us a little more up-to-date comment on our attempt to develop a new nuclear fleet? He has mentioned Hinkley C. At Moorside, of course, Toshiba has abandoned the situation and no other role can be found to support the consortium. I understand that Hitachi continues to be very worried about the situation at Wylfa, where, although there is talk of agreement, it has not yet been achieved. Meanwhile, EDF is thinking of building Sizewell C and I learn from CGN's latest papers that it regards that as a joint venture on top of its undertaking to build one at Bradwell B. So the Chinese are really involved in everything. Is this not a rather worrying situation? Should we not have an update to the House on where we are going on the whole programme, since it does not seem to be going very smoothly?

Lord Henley: My Lords, it is unfortunate that Toshiba had to announce that it would wind up NuGen, and as a result the project at Moorside has been lost—but that was a commercial decision for that company. That site will revert to the Nuclear Decommissioning Authority and it and we will consider options for its future. Moorside will remain available and we hope that others will come forward. Discussions will continue on Wylfa. As my noble friend knows, my right honourable friend made a Statement about that last June, announcing the first signing of proposals with Hitachi, and that will continue. We remain committed to nuclear, as we made clear in our nuclear sector deal. CGN, as my noble friend made clear, is committed to Sizewell, to Bradwell B and beyond, and we look also to other companies to come forward.

Lord Broers (CB): My Lords, I declare my interest as a foreign member of the Chinese Academy of Engineering. I am somewhat encouraged by what the Minister said because, in the situation we find ourselves in now, where storage of carbon dioxide is not going well—we have made scarcely any progress—and it is now obvious that batteries are far too expensive to back up wind on a national scale, we are left with nuclear, so it is extremely important that we proceed as quickly as possible. I have to admit that when I talk to Chinese engineers they feel that if we replicate an EPR we can do it at 30% less money than the initial venture, which means that if we combine that with the cost of wind properly backed up, which is about £60 per megawatt hour, we can do the same with nuclear. So should we not get on with all speed, but maximising our own contribution by including the small modular reactor?

Lord Henley: My Lords, there was an awful lot to answer in the noble Lord's question, but I think he is right to emphasise the importance of nuclear. It provides some 20% of our electricity requirements, and obviously in a low-carbon manner. We are also looking for cost reductions in new-build projects and I am glad that the noble Lord emphasised that. In our nuclear sector deal we are looking for cost reductions of some 30% over the next 15 years or so, as well as cost reductions in other areas. He is also right to emphasise the role that wind can play and the fact that the cost of wind is coming down.

Lord Teverson (LD): My Lords—

Lord Cunningham of Felling (Lab): My Lords—

The Minister of State, Ministry of Defence (Earl Howe) (Con): My Lords, it is in fact the turn of the Liberal Democrats.

Lord Teverson: My Lords, I welcome very much the Government being far more questioning about Chinese investment in critical infrastructure in this country, such as 5G telecoms, which is being rolled out. Will they extend that questioning to our critical nuclear infrastructure, not least Bradwell, which is a Chinese-designed system?

Lord Henley: My Lords, we will continue to work with CGN on Bradwell, as they have committed to do, and we hope that Bradwell B will become available in due course.

Lord Cunningham of Felling: My Lords, is it not clear that the news from west Cumbria is bad news not just for west Cumbria but for the United Kingdom as a whole? We have an ageing fleet of civil nuclear power stations, which it is essential to replace in order to maintain a baseload supply of electricity 24 hours a day, 365 days a year. There is almost no other way of guaranteeing that. I compliment the Government on their support for Hinkley Point, which is more than the Labour Government did—the previous Labour Government did not build a single nuclear power station, to my regret—but is it not important for them to make an urgent reassessment of how progress is stumbling, at best, before it is too late?

Lord Henley: My Lords, I will try to be brief. The noble Lord was right to emphasise that it is an ageing industry, in terms of the power stations we have—that is why we want more—but also the workforce. That is why we want to re-equip the workforce to make sure that we can go forward and that we have the right people in the right places, particularly in west Cumbria, to continue to develop that industry.

Disabled Students' Allowance: Assistive Technology Question

3.01 pm

Asked by **Lord Addington**

To ask Her Majesty's Government what steps they are taking to ensure that computers provided under the Disabled Students' Allowance scheme have sufficient capacity to run assistive technology and modern operating systems effectively.

Lord Addington (LD): My Lords, in asking the Question standing in my name on the Order Paper, I remind the House of my interests with Microlink plc and the British Dyslexia Association.

Viscount Younger of Leckie (Con): My Lords, the Government are committed to ensuring that the specification of equipment provided through the disabled students' allowance is kept under review to ensure that it is fit for purpose and takes account of developments in technology. The DfE and the Student Loans Company are currently undertaking a review of the specification of computers provided through the DSA scheme, taking advice from stakeholders, including assistive technology experts, and we expect to complete this review in early 2019.

Lord Addington: I thank the Minister for that reply. However, will he accept that if we have computers which are not powerful enough to handle the important technology or the basic operating systems, and you are paying £200 each time, this is a further incentive for people not to take up this scheme? Since around 30% of people who go through the assessment are not taking advantage of it, we should look at the whole of this problem.

Viscount Younger of Leckie: The way it works is that the needs assessor recommends certain assistive software for disabled students. The noble Lord will know that there are two types: text-to-speech software and speech-to-text software. It may well be that as a result of the review we are undertaking, looking at the details, a more powerful computer is needed. We are looking at that and that could include a move towards a solid-state hard drive. But on the point about the £200, the noble Lord will know—and I have said this before in the Chamber—that we think it is fair that disabled students pay the first £200 of the cost of the computer.

Baroness Grey-Thompson (CB): My Lords, Her Majesty's Government recently announced a very welcome increase in the postgraduate DSA. However, it is still out of kilter with the support available to undergraduate students. Will the Minister elaborate on any plans to align the two grants to give equal access to education for disabled undergraduate students and disabled postgraduate students?

Viscount Younger of Leckie: Absolutely. The noble Baroness will know that we have raised the amount—doubled it, in fact—for postgraduate students. But I reassure her that the Government are committed to improving the economic efficiency and effectiveness of disabled students' allowance. The DSA evaluation research that we commissioned late last year is due to report soon. Some useful information will come out of that, I hope.

Lord Storey (LD): My Lords, the Minister says he thinks it is fair that a student should make a £200 contribution but if you are disabled and poor, finding £200 can be very difficult. Will he look at how students who cannot find that £200 could be supported?

Viscount Younger of Leckie: This is continually being looked at but I know, as I have said in the Chamber before, that three-quarters of students—including disabled students—own their own laptop and that the average spent is £253. Given that we top up the £200 by whatever is required for the disabled students, we think it is reasonable for them to pay the first £200. Some help can be gained from individual higher education providers.

Lord Watson of Invergowrie (Lab): My Lords, earlier this year the All-Party Parliamentary Group for Assistive Technology published a comprehensive report, *Accessible Virtual Learning Environments*, aimed at assisting the Government and the further and higher education providers to implement effectively the new digital accessibility regulations, which became law in September. Can the noble Viscount say whether the Government intend to respond to the recommendations in that report, particularly those aimed at the Department for Education, the Office for Students and Ofsted, and if so, when?

Viscount Younger of Leckie: I cannot give a date as to when we will respond but we certainly will. On the question of IT, the SLC has recently issued a letter informing the sector that we will be launching a tendering exercise for the supply of IT hardware, so this matter is continually under review.

Baroness Afshar (CB): My Lords, what measures are taken for students whose first language is not English and who have difficulty in understanding what is going on in English? A change in the system will mean them having to change the whole process of translation, which is not very easy when you do not have the resources to buy a computer every five minutes.

Viscount Younger of Leckie: The noble Baroness is absolutely right; this boils down to the higher education provider deciding what is suitable for the student. If

[VISCOUNT YOUNGER OF LECKIE]

there are language difficulties then students may be recommended specific types of equipment, which could include digital voice recorders and printers. We leave that up to the higher education providers to sort out.

The Earl of Listowel (CB): My Lords, given that young people leaving local authority care have disproportionately higher levels of disability than the general population, and that only 7% of that group make it to university compared to, I think, 50% of the general population, will the Minister look particularly carefully at the needs of care leavers with disabilities and whether they might have additional support, given that they do not have parental support?

Viscount Younger of Leckie: Absolutely. We will certainly do that but I should reassure the noble Earl that the Office for Students, with its particular duties that come from the Higher Education and Research Act, has a duty to look at that. It is important to cover that side as well.

EU Membership Bill [HL]

First Reading

3.07 pm

A Bill to require Her Majesty's Government to negotiate with the European Union for the United Kingdom to remain in the European Union, with enhanced voting rights and immigration controls.

The Bill was introduced by Lord Saatchi, read a first time and ordered to be printed.

Arrangement of Business

3.08 pm

Baroness Smith of Basildon (Lab): My Lords, I think it was Harold Wilson who said:

“A week is a long time in politics”.

In the chaos that now passes for government, the Prime Minister will be making a Statement in the next few minutes in which she is expected to pull tomorrow's votes in the House of Commons on her Brexit deal. Following that, the Leader of the House of Commons will make a further Statement in which she is expected to adjourn the remainder of the Commons debate. Given the gravity of the situation, we offered to adjourn this House for the Prime Minister's Statement, and to mirror the process in the other place, but the Government Chief Whip has refused.

We may now be debating a withdrawal agreement and a political declaration that could already be dead in the water. If the Prime Minister returns to Parliament with amended agreements then your Lordships' House will, as provided for in legislation, have a further debate and an opportunity for a further Motion on that deal but if she returns with the same arrangements—albeit unlikely—there is no legislative guarantee of a further debate. However, the Chief Whip has today agreed with me and my noble friend Lady Hayter that whatever the outcome of the further negotiations there will be an opportunity for a debate on a Motion in

your Lordships' House on the withdrawal agreement and the political declaration, for this House to express its view. That means that today your Lordships' House has to continue as planned. Whatever happens in the other place, the Government are pressing the issue tonight on their take-note Motion. Perhaps the Lords Whips' Office did not get the memo. In those circumstances, the Motion in my name stands, and I therefore plan later today to test the opinion of the House.

This House, your Lordships' House, takes its responsibilities seriously. In the middle of chaotic and dysfunctional government, we will therefore continue to examine the wider issues of the deal and perhaps offer some advice on the way forward. To assist the House, we will be taking the Prime Minister's Statement around 5.30 pm today, when some greater clarity may emerge, but that also means that our proceedings on the debate will take slightly longer.

Lord Newby (LD): My Lords, what the Government are proposing is that while the Prime Minister is addressing the House of Commons withdrawing from the Brexit battlefield, and while the Leader of the House is making a Statement immediately thereafter, suspending debate on this issue, Members of your Lordships' House—and, most importantly, Members of your Lordships' House who have worked hard on speeches—are expected to sit in your Lordships' House listening to those speeches, unable to go out to find out what is happening in the real world. At the end of this process, late in the evening, the Commons having stopped business hours before, Members of your Lordships' House are expected to vote on Motions whose political reality has completely disappeared.

If the Government Chief Whip wishes to continue with this charade we will continue to make speeches and to vote. The situation may be that we have a Government in name only and that the country is a humiliation across the globe, but there is no need to bring your Lordships' House into such a charade and such a surreal set of proceedings. Your Lordships' House should now adjourn the debate.

Lord Taylor of Holbeach (Con): My Lords, it is quite appropriate that we should continue and conclude our debate today. We have already had two days of spirited debate in which noble Lords have been contributing their bit to this general discussion. Many noble Lords have already asked questions of my noble friend Lord Callanan, and I am sure they want to hear the answers. Other noble Lords who also had their names down to speak have waited patiently for their turn to make a contribution to this debate. I do not see that it is any way justified—except to make a political point, which may lie behind the suggestion that we adjourn—that we should discontinue our debate. Each House is in charge of its own proceedings and today is no different.

Lastly, I think the noble Baroness the Leader of the Opposition made it clear that in earlier discussions I had with her I confirmed that should the Government decide as a result of other negotiations to come forward with any further proposals, whatever they are, we will

find time to debate them fully and to have Motions tabled in respect of any further issues arising. In the meantime, the documents on which we based our debate lie before this House, and I suggest that the right and proper thing is that we should proceed with the debate.

Lord Adonis (Lab): My Lords, this is a complete farce. The Government are pulling the debate in the House of Commons on precisely the terms that we are supposed to be debating this afternoon. Is it not open to my noble friend the Leader of the Opposition to move the adjournment of the House, which I think would be the appropriate step in the circumstances, rather than us continuing with a farce that, as the noble Lord, Lord Newby, said, actually prevents those of us speaking in the debate later on today from learning what Her Majesty's Government's policy actually is? Surely we should adjourn this debate, not continue it in these farcical circumstances.

Lord Foulkes of Cumnock (Lab): I am confused. I understood from what the noble Lord, Lord Newby, said that he was about to move the adjournment; that is what it sounded like. As my noble friend Lord Adonis said, either he or my noble friend Lady Smith should be in a position to move the adjournment of the House. It is entirely ridiculous that I am down to debate something that will no longer exist in a few hours' time. I do not know how the Minister can do this.

Baroness Smith of Basildon: My Lords, I think the House would agree that we want to hear repeated in your Lordships' House the Statement that the Prime Minister will make later, so I would not adjourn the House at this point. However, I urge the Government to reconsider their position. It is quite farcical for us to debate an issue that the House of Commons does not want to debate when its Members are the ones who have the meaningful vote.

Lord Adonis: My Lords, then could we propose to adjourn until 5.30 pm?

Lord King of Bridgwater (Con): Is the situation then to be that those who have not yet had the chance to speak on the first two days and are due to speak today, and would like to give their advice to the Government as to what we think ought to happen in this somewhat fluid situation so that those speeches can be taken into account thereafter, cannot do so? I certainly support my noble friend the Captain of the Honourable Corps of Gentlemen-at-Arms. I want to hear what my noble friend Lord Howell, who was about to speak, has to say, and I have the privilege of being last on the list to speak from the Back Benches. If I have to wait until half way through the night to do so, your Lordships can see how much I want to do it.

Lord Newby: My Lords, we all want to hear the noble Lord, Lord Howell, but I point out to the noble Lord, Lord King, that many MPs who were hoping to make speeches today and tomorrow will now be denied

because—this is the key issue—the basis of their speeches is being taken off the table, at least temporarily. I am afraid I have not been here long enough to know the procedure well enough but I would like to propose that the House adjourn during pleasure until 5.30 pm, when we can take the Prime Minister's Statement.

Noble Lords: Hear, hear!

Baroness Smith of Basildon: My Lords, I hope the Chief Whip heard that. I think, from listening to the tone of the House, that the House wishes to hear the Prime Minister's Statement before continuing. I propose to the noble Lord the Lord Speaker that we adjourn the House now until 5.30 pm, when we can hear the Statement, and then there can be discussions between the usual channels on how to proceed. The current position is unsustainable.

Lord Taylor of Holbeach: I am sorry, my Lords, I am not prepared to accept that. We have business before the House. We have people who have prepared speeches. As agreed by the usual channels, we are repeating a Statement at 5.30 pm so there will be every opportunity to speak. I am afraid I resist any suggestion that we adjourn during pleasure.

Motion

Moved by Baroness Smith of Basildon

That the House do adjourn during pleasure until 5.30 pm.

3.18 pm

Division on Baroness Smith of Basildon's Motion

Contents 201; Not-Contents 163. [The Tellers for the Contents reported 201 votes; the Clerks recorded 199 names.]

Baroness Smith of Basildon's Motion agreed.

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3.33 pm

Sitting suspended.

5.30 pm

Lord Taylor of Holbeach: My Lords, I thought it would be helpful to the House if, before my noble friend repeats the Prime Minister's Statement, I said a few words about the rest of today's business.

The House will have seen the exchanges earlier today about the timings of today's business, which led to a Division. Since that Division, I have received further strong representations from the opposition parties that they do not want today's scheduled debate to conclude.

My view has not changed since earlier this afternoon. I believe it would be in the best interests of those signed up to speak today—and of the whole House, which has not heard them—for us to conclude the debate today as advertised. However, I recognise the strength of the representations, and I do not believe that it is in the best interests of the House to have continued procedural Divisions.

I repeat the offer I made in good faith of providing more time for this House to consider the issue further when it returns to the Commons, and I apologise to those noble Lords who have been waiting patiently to make their contributions. We will adjourn the House at the conclusion of the repeat of the Prime Minister's Statement.

Baroness Smith of Basildon: I thank the noble Lord for his courtesy in making that announcement to the House. It is always difficult when the House votes on procedural matters, and his coming before the House today has been very helpful. I am sure that we will have the benefit of hearing the wisdom of those we are denied from hearing today at a later date, and we look forward to that.

Exiting the European Union

Statement

5.32 pm

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): My Lords, with the leave of the House, I will now repeat a Statement made by my right honourable friend the Prime Minister in another place. The Statement is as follows:

“Mr Speaker, with permission, I would like to make a Statement. We have now had three days of debate on the withdrawal agreement setting out the terms of our departure from the EU and the political declaration setting out our future relationship after we have left. I have listened very carefully to what has been said in this Chamber and out of it by Members on all sides.

From listening to those views, it is clear that while there is broad support for many of the key aspects of the deal, on one issue—the Northern Ireland backstop—there remains widespread and deep concern. As a result, if we went ahead and held the vote tomorrow the deal would be rejected by a significant margin. We will therefore defer the vote scheduled for tomorrow and not proceed to divide the House at this time.

I set out in my speech opening the debate last week the reasons why the backstop is a necessary guarantee to the people of Northern Ireland and why—whatever future relationship Members want—there is no deal available that does not include the backstop. Behind all those arguments are some inescapable facts: the fact that Northern Ireland shares a land border with another sovereign state; the fact that the hard-won peace that has been built in Northern Ireland over the last two decades has been built around a seamless border; and the fact that Brexit will create a wholly new situation.

On 30 March the Northern Ireland-Ireland border will for the first time become the external frontier of the European Union's single market and customs union. The challenge this poses must be met not with rhetoric but with real and workable solutions. Businesses operate across that border. People live their lives crossing and re-crossing it every day. I have been there and spoken to some of those people. They do not want their everyday lives to change as a result of the decision we have taken. They do not want a return to a hard border. If this House cares about preserving our union, it must listen to those people, because our union will endure only with their consent.

We had hoped that the changes we have secured to the backstop would reassure Members that we could never be trapped in it indefinitely. I hope the House will forgive me if I take a moment to remind it of those changes.

The customs element of the backstop is now UK-wide. It no longer splits our country into two customs territories. It also means that the backstop is now an uncomfortable arrangement for the EU, so it will not want it to come into use, or persist for long if it does. Both sides are now legally committed to using best endeavours to have our new relationship in place before the end of the implementation period, ensuring that the backstop is never used.

If our new relationship is not ready, we can now choose to extend the implementation period, further reducing the likelihood of the backstop coming into force. If the backstop ever does come into use, we now do not have to get the new relationship in place to get out of it. Alternative arrangements that make use of technology could be put in place instead. The treaty is now clear that the backstop can only ever be temporary. And there is now a termination clause.

[BARONESS EVANS OF BOWES PARK]

But I am clear from what I have heard in this place, and from my own conversations, that these elements do not offer a sufficient number of colleagues the reassurances that they need. I spoke to a number of EU leaders over the weekend, and in advance of the European Council, I will go to see my counterparts in other member states and the leadership of the Council and the Commission. I will discuss with them the clear concerns that this House has expressed. We are also looking closely at new ways of empowering the House of Commons to ensure that any provision for a backstop has democratic legitimacy and to enable the House to place its own obligations on the Government to ensure that the backstop cannot be in place indefinitely.

Having spent the best part of two years poring over the detail of Brexit, listening to the public's ambitions, and yes, their fears too, and testing the limits of what the other side is prepared to accept, I am in absolutely no doubt that this deal is the right one. It honours the result of the referendum. It protects jobs, security and our union. But it also represents the very best deal that is actually negotiable with the EU. I believe in it—as do many Members of this House. And I still believe that there is a majority to be won in this House in support of it, if I can secure additional reassurance on the question of the backstop. That is what my focus will be in the days ahead.

But if you take a step back, it is clear that this House faces a much more fundamental question. Does this House want to deliver Brexit? If the House does, does it want to do so through reaching an agreement with the EU? If the answer is yes, and I believe that is the answer of the majority of this House, then we all have to ask ourselves whether we are prepared to make a compromise. There will be no enduring and successful Brexit without some compromise on both sides of the debate.

Many of the controversial aspects of this deal—including the backstop—are simply inescapable facts of having a negotiated Brexit. Those Members who continue to disagree need to shoulder the responsibility of advocating an alternative solution that can be delivered—and do so without ducking its implications. So if Members want a second referendum to overturn the result of the first, be honest that this risks dividing the country again, when as a House we should be striving to bring it back together. If you want to remain part of the single market and the customs union, be open that this would require free movement, rule-taking across the economy, and ongoing financial contributions—none of which are in my view compatible with the result of the referendum. If you want to leave without a deal, be up-front that in the short term, this would cause significant economic damage to parts of our country who can least afford to bear the burden.

I do not believe that any of those courses of action command a majority in this House. But notwithstanding that fact, for as long as we fail to agree a deal, the risk of an accidental no deal increases. So the Government will step up their work in preparation for that potential outcome and the Cabinet will hold further discussions on it this week.

The vast majority of us accept the result of the referendum, and want to leave with a deal. We have a responsibility to discharge. If we will the ends, we must also will the means. I know that Members across the House appreciate how important that responsibility is. I am very grateful to all Members—on this side of the House and a few on the other side too—who have backed this deal and spoken up for it.

Many others, I know, have been wrestling with their consciences, particularly over the question of the backstop: seized of the need to face up to the challenge posed by the Irish border, but genuinely concerned about the consequences. I have listened. I have heard those concerns and I will now do everything I possibly can to secure further assurances.

I conclude on a personal note. On the morning after the referendum two and a half years ago, I knew that we had witnessed a defining moment for our democracy. Places that did not get a lot of attention at elections and which did not get much coverage on the news were making their voices heard and saying that they wanted things to change. I knew in that moment that Parliament had to deliver for them. Of course that does not just mean delivering Brexit. It means working across all areas—building a stronger economy, improving public services, tackling social injustices—to make this a country that truly works for everyone; a country where nowhere and nobody is left behind.

These matters are too important to be afterthoughts in our politics; they deserve to be at the centre of our thinking. But that can only happen if we get Brexit done and get it done right. Even though I voted to remain, from the moment I took up the responsibility of being Prime Minister of this great country I have known that my duty is to honour the result of that vote. I have been just as determined to protect the jobs that put food on the tables of working families and the security partnerships that keep each one of us safe.

That is what this deal does. It gives us control of our borders, our money and our laws. It protects jobs, security and our union. It is the right deal for Britain. I am determined to do all I can to secure the reassurances this House requires, to get this deal over the line and deliver for the British people. I commend this Statement to the House”.

5.41 pm

Baroness Smith of Basildon (Lab): My Lords, having had an unexpected opportunity to watch the Prime Minister delivering her Statement earlier today, I listened with great care and have also read it through. I was hoping that there would be some greater clarity about the Prime Minister's and the Government's intentions. Yet the Statement provides less clarity rather than more. The only reason the Prime Minister has given for denying Members of Parliament in the other place the opportunity to vote on the deal is that,

“it would be rejected by a significant margin”.

So what happens next? The Statement says that the Cabinet will step up preparations for no deal. Yet to date the so-called no-deal preparations are not going too well. The Government are already behind on legislation and statutory instruments. This is not strong or stable government. Despite the chaos unfolding

around her, the Prime Minister appears to be in denial and the Statement says that she has “absolutely no doubt” that this is the right deal.

The Prime Minister seems to be saying to Brexit supporters that, unless they support her deal, they could get another referendum and lose and it would be divisive, as if the country is not divided enough already. Does the Prime Minister not realise that? To those who are against Brexit she says that, unless they support her deal, we will crash out with no deal, which would be catastrophic. It appears that the Prime Minister is trying to alarm and frighten Members of Parliament into backing her. That is hardly a great strategy and not a great endorsement for her deal.

I know that the noble Baroness the Leader of the House understands her responsibilities and duty to this House in answering for the Prime Minister, in such unprecedented circumstances, and I know that she will want to be helpful today. Given that the Cabinet has discussed this issue today, and she has spoken with the Prime Minister, can she give any indication of the timetable of when the meaningful vote will take place in the Commons? My information is that the Prime Minister would only tell Cabinet Ministers—probably because they would leak—that it would have to be before the statutory deadline of 21 January 2019. That is no answer because, if that is the case, the Commons would be unable to conduct any substantial business before such a vote.

This attitude is in danger of deepening the constitutional crisis that we are hurtling towards. Is there likely to be a vote before Christmas? What are the Prime Minister’s intentions at the European Council meeting later this week regarding the Northern Ireland backstop? Is she seeking changes—and if so, what—which would risk opening up other issues, or merely clarification? If it is the latter, why could she not have sought that already without delaying the parliamentary process?

Finally, as the noble Baroness has spoken to the Prime Minister today, does she have confidence in her to be able to squeeze concessions out of the EU 27, given that they consider the matter closed and she says that she will not shift from her red lines, or does she think that is stretching the season of good will just a little too far?

Lord Newby (LD): My Lords, I thank the noble Baroness the Leader of the House for repeating the Statement.

This is a curiously insubstantial Statement. It appears to be a demonstration of one of the Prime Minister’s most tried and tested political tactics: kicking the can down the road for another week. Why? She is open and straightforward about that; she has been listening to what has been said and has formed the understandable view that the deal will be,

“rejected by a significant margin”,

in the Commons. What is her response to this imminent rejection? She says:

“I spoke to a number of EU leaders over the weekend, and in advance of the European Council I will go to see my counterparts in other member states and the leadership of the Council and the Commission. I will discuss with them the clear concerns that this House has expressed”.

I am sure that she will explain that she cannot get the current deal through in its current form, but what happens next? She says that she will seek to ensure, “additional reassurance on the question of the backstop”.

What does “reassurance” mean in this context? What specific reassurances is the Prime Minister looking for, particularly given that she knows that the reopening of the whole withdrawal agreement is simply not on offer? I think Leo Varadkar speaks for everyone who has given an opinion from the EU side today when he says:

“It is not possible to reopen any aspect of that agreement without reopening all aspects of it”.

Obviously, the Prime Minister is not in the market for reopening all aspects of the agreement, therefore she accepts that the backstop is not negotiable. Indeed she does, because she says:

“Many of the most controversial aspects of this deal—including the backstop—are simply inescapable facts of having a negotiated Brexit”.

She then challenges her opponents in her own party:

“Those members who ... disagree need to shoulder the responsibility of advocating an alternative solution that can be delivered”.

It is quite clear, from everything the Prime Minister has said in recent weeks, that she does not believe that such an alternative solution exists.

Having in effect accepted that she will not secure significant changes this weekend on the backstop, the Prime Minister has reverted to one of her other most common tactics: the Government’s own Project Fear with regard to no-deal Brexit. She says that,

“the Government will step up their work in preparation for that potential outcome and the Cabinet will hold further discussions on it this week”.

I wonder how many weeks and how many Statements have contained that statement that the Cabinet will have further discussions on something and step up preparations for a no-deal Brexit. Can the noble Baroness the Leader tell us how much money has already been spent on a no-deal Brexit, and what the Government’s plans are with regard to expenditure between now and the end of March?

The Prime Minister then says that there is a real danger that if,

“we fail to agree a deal, the risk of an accidental no deal increases”.

But the possibility of an accidental no deal has disappeared with the Grieve amendment. You will have an accidental no deal only if the Commons, by some means, is denied the opportunity to vote on something else. The Grieve amendment now means that the Commons will have the opportunity to vote on something else in any circumstance. The noble Lord, Lord Callanan, shakes his head; perhaps he can advise the Leader what to say in response to that, because I thought that is what the Grieve amendment meant. If it does not mean that, perhaps she will tell us what it means.

Not only is there a whiff of decay around the Government in general, but there is an overwhelming sense that the Prime Minister is going through the motions before bringing the same deal back to Parliament either next week or early in the new year. It is now clearer than ever that the Government’s deal—the best

[LORD NEWBY]

possible deal, according to the Prime Minister—is an extremely unappetising dog’s breakfast. The Commons has already, in effect, rejected it; its last rites should now be given by the people.

Baroness Evans of Bowes Park: I thank the noble Baroness and the noble Lord for their comments. It seems to be my weekly treat: responding to their responses to a prime ministerial Statement. I believe we shall have another next week so I look forward to that as well. Both the noble Baroness and the noble Lord asked about no deal. Of course, we do not want no deal but we continue to prepare for one. Extensive work has been under way for over two years. We have successfully passed critical legislation, signed international agreements, recruited additional staff and guaranteed certain EU funding for a no-deal scenario.

The noble Lord asked about money. As he will be aware, the Chancellor previously announced that £2 billion has been put aside for no-deal planning, and we have published 106 technical notices to help businesses and citizens to prepare for a no-deal event; we will continue to do that. The noble Baroness asked about a future date. She will be aware that no date has yet been set; the Prime Minister is now focused on securing the assurances for Parliament that she believes are necessary. The EU and Irish Governments have been clear that without a backstop there is no deal but, both in this House and in the other place, significant concern has been expressed, specifically about the perceived indefinite nature of the backstop.

As the Statement made clear, we had hoped that the changes we have secured would have been sufficient to reassure noble Lords and Members of the other place that we could not be trapped in a backstop indefinitely, but they have not done so. Therefore the Prime Minister will go back to the EU to try to get further reassurances and she is exploring a number of ways in which this may be achieved. Over the weekend, the Prime Minister spoke to Presidents Juncker and Tusk, Chancellor Merkel, Prime Minister Rutte and Taoiseach Varadkar. In those conversations, the leaders indicated that they are open to discussions to find a way to provide reassurance to Members on this point. These will be very important discussions. Over the next few days, in advance of the Council, the Prime Minister will speak and meet with leaders, the Council and the Commission. Discussions will happen at both official and political levels.

5.52 pm

Lord Howard of Lympne (Con): My noble friend the Leader of the House and the Prime Minister have spoken about the Prime Minister’s quest for reassurance, but the withdrawal agreement, including the backstop, is legally binding. Does my noble friend therefore accept that, to be convincing, any reassurance that the Prime Minister seeks and obtains will need to be equally legally binding?

Baroness Evans of Bowes Park: As I said in my response to the noble Baroness, Lady Smith of Basildon, and the noble Lord, Lord Newby, we will explore a number of ways in which this reassurance might be

achieved. The Prime Minister has been clear that she has heard the voices of both Houses and will do what she can to achieve those reassurances.

Lord Soley (Lab): There is a section in the Statement that implies that the two Houses will have more influence than they had before. Many of us think that is long overdue; had Parliament been involved earlier, it might have got us to a better place than we are in now. The Prime Minister talks in the Statement about being more in contact with the House of Commons in particular, but presumably also with this House. If the Government can expand on that, we might get an approach from Parliament that helps the Government in what is by any standard a major crisis.

Baroness Evans of Bowes Park: In the debate last week, the Prime Minister said in her opening speech—and I repeated it here in my opening speech—that we are looking at ways in which Parliament can be more involved. Specifically, in the Statement today, she said and I repeated that:

“We are also looking closely at new ways of empowering the House of Commons to ensure that any provision for a backstop has democratic legitimacy and to enable the House to place its own obligations on the Government to ensure that the backstop cannot be in place indefinitely”.

The Prime Minister will continue to hold discussions with Members to think about how best to do that.

Lord Boswell of Aynho (Non-Affl): My Lords, I thank the noble Baroness for repeating the Statement and I assure her that it is not part of the role of the EU Committee of this House to take a partisan stance on these matters, particularly when feelings are running very high. However, will she reflect on two things which both arise from the context of what we might call renewed parliamentary interest in the management of the Brexit process? The first, not least because a number of our colleagues have been frustrated in making their contributions this evening, is to ask whether she will take back to her colleagues the possibility of this House’s involvement, at least on an advisory basis, in giving a view on whatever additional assurances the Prime Minister might achieve in relation to the backstop. The second goes rather wider in relation to no-deal contingency planning. It would be fair to say that the Government have been reticent in providing information to parliamentarians of all kinds about how this is going. Can we take it as part of the package that the Government will be more forthcoming on whatever basis is appropriate so that we can be alerted to the continuing process?

Baroness Evans of Bowes Park: I echo the apologies that my noble friend the Chief Whip made to noble Lords who were hoping to contribute today. I am sorry that they will not be able to do so but, as the noble Baroness said, we look forward to hearing those contributions at a future stage. The Government have been very open about their no-deal preparations. As I said, we have published 106 technical notices, and many Ministers have appeared on many occasions in your Lordships’ House and in our committees to set out our plans, and we will continue to do so.

The Lord Bishop of Leeds: My Lords, the Prime Minister says in her Statement that those who continue to disagree need to shoulder the responsibility of advocating an alternative solution that can be delivered. Surely that is everybody's responsibility. She goes on to ask people to be honest about the implications of what they want. However, it seems to me that people have been honest for the last couple of years but they have not been listened to. Has the time now come for the Prime Minister and the Government to stop playing a zero-sum game and, on a cross-party basis, find a credible way ahead?

Baroness Evans of Bowes Park: I am afraid I do not agree with the right reverend Prelate on that point. The Government have been listening and it is for that very reason that the Prime Minister has now decided to go back to the EU to discuss the further reassurances that people are looking for, as has been made very clear in this House and the other place.

Lord Howell of Guildford (Con): My Lords, I will not try to put an aborted speech into a question. The noble Lord, Lord Newby, talks about "something else". We know what his something else is—he has been very clear about it—but there are 16 or 17 something elses in the other place. Is it not a fact that Parliament is not a Government and that it cannot and never will agree by itself if it tries to take back control of this whole process? Is not the only conclusion a compromise negotiated by a Government with the agreement of the European Union, which we hope will make some small adjustments for that compromise? Does that not remain the only sensible way forward, short of total chaos?

Baroness Evans of Bowes Park: I thank my noble friend. He is absolutely right that the negotiations involve compromise on both sides. We have a deal and EU leaders have been clear that it is the only one available. Having said that, we have recognised the strength of feeling on one particular issue—the indefinite, or perceived indefinite, nature of the backstop. It is something that both sides want to try to resolve because we both want a deal that will benefit the United Kingdom and the EU and ensure that we have a strong partnership going forward. That is in all our interests.

Lord Marks of Henley-on-Thames (LD): My Lords, the CJEU's judgment this morning gave the UK a simple way of withdrawing from Brexit—by unilaterally revoking our Article 50 notice. Should not the Government now reconsider their argument that a people's vote would be undemocratic, as it is now two and a half years since the 2016 referendum and the various options for Brexit and their risks are better understood? Why should the people not be given the chance to put an end to this chaos rather than condemn the country to years of future uncertainty?

Baroness Evans of Bowes Park: The people have already voted: they voted in June 2016 to leave. This judgment may clarify the law but it does not change our position. I remind noble Lords that the people have voted.

Lord Campbell-Savours (Lab): My Lords, with the Fixed-term Parliaments Act in mind, is not perhaps the real reason the Prime Minister has backed off the fact that a second Motion of confidence would have to be held within 14 days, which means Christmas Day? Does that not suggest that we might be looking at a deferred resignation?

Baroness Evans of Bowes Park: No, the Prime Minister has been clear about why we have decided to defer the vote: it is because we want to try to secure the reassurances that will be needed to ensure that a deal that has the best prospects for this country gets through the House of Commons. That is what she will be focusing and working on in the coming days.

Lord Hannay of Chiswick (CB): My Lords, will the Leader of the House confirm that the processes laid down in the EU withdrawal Act have not been spent and that therefore it is not a question of giving this House a chance to just debate any other reassurances she gets, but that we have to go through the whole business laid down in the EU withdrawal Act? Would she further say whether the Prime Minister, in her consultations with her colleagues in the rest of the European Union, will include in that the possibility of prolonging the period of Article 50 beyond two years?

Baroness Evans of Bowes Park: The noble Lord is right that specific conditions are set out in the EU withdrawal Act, and we will abide by them. The final two days of debate and subsequent vote in the House of Commons are being deferred to a later date and the amendments that have been tabled will stand when the debate is resumed. As I made clear to the noble Lord, our position on Article 50 has not changed.

Lord Reid of Cardowan (Lab): My Lords—

Lord Tebbit (Con): My Lords—

Lord Reid of Cardowan: I give way to the elderly gentleman.

Lord Tebbit: My Lords, my noble friend spoke of the possibility of not reaching an agreement with our friends in the European Union. In that event, does that also imply that we would not be paying them £39 billion ransom money?

Baroness Evans of Bowes Park: As I said, other leaders have indicated that they are open to further discussion on this issue and we remain committed to getting a deal. However, my noble friend is right that in the unlikely event that we leave the EU without a deal, the financial settlement as set out in the withdrawal agreement would no longer apply as there would be no withdrawal agreement.

Lord Reid of Cardowan: My Lords, does the Minister recognise that her two arguments against putting this back to the people—that is, first, that the people have already voted and cannot be reconsulted and, secondly, that somehow any vote would divide the nation—are perfect arguments for abolishing general elections? That is precisely what a general election is: it is a

[LORD REID OF CARDOWAN]
reconsultation—after a period, in the light of experience and further information—by asking the people again. Can she tell us why those principles apply to a second referendum but do not apply to general elections?

Baroness Evans of Bowes Park: At the last general election both main parties said that they would respect the result of the referendum and deliver Brexit. We are doing that.

Lord Wigley (PC): My Lords, I welcome the emphasis placed by the Prime Minister and the noble Baroness on the word “compromise”. Does she accept that if a compromise is likely to be acceptable, it would not be on the basis of crashing out without a deal? In those circumstances, why will the Government not rule out the option of crashing out without a deal to look for a compromise that can bring people together?

Baroness Evans of Bowes Park: As I said, because the deal has not yet been approved by the UK Government or the EU, there is still the chance that we will end up in a no-deal situation. It is a situation we do not want to be in but it is only prudent and right that we prepare for every eventuality, and that is what we are doing. The Prime Minister is focused on getting reassurances that will help and enable the House of Commons to feel that it can accept this deal so that we can move on with our relationship with the EU.

Lord Wallace of Saltaire (LD): My Lords, two Cabinet Ministers in the past 24 hours have used the phrase, “managed no deal” as an alternative plan B. That sounds rather like a square circle. Can she explain what she thinks they may have meant by the idea of a “managed no deal”? Since the Prime Minister has also talked about a major shift of policy towards helping those who have been left behind in the deprived regions of this country, can she tell us whether there is going to be a government strategy to help the left behind which might involve a substantial reversal of the politics of austerity?

Baroness Evans of Bowes Park: As I have said in relation to no deal, that is not what we are working towards, but we have to be prudent and prepare for it, and we will continue to do so. I would say that we are pursuing many government policies in a whole range of areas, from education to our industrial strategy and housing. They will make sure that we deliver a country that works for everyone and that is better for everyone.

Lord Kilclooney (CB): My Lords, the Statement correctly identifies the backstop as one of the main issues. Does the Minister recall the opinion of the Attorney-General that Great Britain is essentially treated as a third country by Northern Ireland for goods passing from GB into NI? This means that regular checks would have to take place between Northern Ireland and Great Britain, normally at airports or ports. Does the Minister recognise that in Northern Ireland people are saying, “They are abolishing the Irish border and instead creating a border between Great Britain and Northern Ireland”? That is dynamite to the unionist community in Northern Ireland. The Government need to tread very carefully. As one of

those who negotiated the Belfast agreement, I can assure noble Lords that, living on the ground as I do near the border, the peace process is increasingly coming under challenge.

Baroness Evans of Bowes Park: I certainly respect the noble Lord’s views, and that is why we have consistently said that there will be no return to a hard border in Ireland. That remains at the forefront and it is a commitment that we will keep. The noble Lord will of course be aware that currently there are at least 30 different agri-food regulatory checks between Great Britain and Northern Ireland and that the island of Ireland is already a separate entity to Great Britain for the purposes of plant and animal health.

Lord Foulkes of Cumnock (Lab): My Lords, let us be honest about this. Is this not increasingly a desperate clutching at straws by the Prime Minister to try to heal divisions on this issue within the Conservative Party? That is why David Cameron led us to this unfortunate referendum in the first place. Why is it that the poor of this country—and it is the poor of this country—should continue to suffer and to be sacrificed on the altar of Tory Party political expediency?

Baroness Evans of Bowes Park: I am afraid that I do not accept the noble Lord’s assertions. As I have said, the Prime Minister has listened to the concerns raised in both the House of Commons and the House of Lords about the perceived indefinite nature of the backstop. She will now focus on trying to address those to make sure that we get a Brexit that works for this country and for the EU.

Baroness Smith of Newnham (LD): My Lords, I have just come back from Brussels, where I was talking about the lessons from Brexit. Essentially what I said was, “Don’t do it”. While I was there a friend said, “It feels rather like the days of David Cameron. We never knew what he wanted. We kept asking what the United Kingdom wanted”. The same is true of Theresa May looking for an agreement now. Can the Leader tell us what the Prime Minister expects to get on Thursday that will be clear to the EU 27 or to any of us?

Baroness Evans of Bowes Park: We have a withdrawal agreement and a political declaration that has been agreed. There is one issue that has been raised—the perceived indefinite nature of the backstop—that is still causing concern. It is that issue that the Prime Minister will be discussing with other leaders over the next few days and it is that issue on which we will hope to provide further reassurances. So I think that is quite clear.

Lord Anderson of Swansea (Lab): My Lords, has the Leader received any assurances from our European colleagues that they are open to further compromises—and, if so, are we prepared to run the risk that opening one part of the deal will allow other countries to run their hobby-horses, be it on fisheries, Gibraltar and so forth?

Baroness Evans of Bowes Park: I can certainly say to the noble Lord that in conversations over the weekend, the leaders that the Prime Minister spoke to indicated that they are open to discussions on a way to provide reassurance on the specific point of the Northern Ireland backstop.

Baroness O’Loan (CB): My Lords, the Leader just told us that over the weekend, European leaders assured the Prime Minister that they are prepared to look at reassurances. Is she aware that the Irish Taoiseach, Mr Varadkar, said recently that, “no statement of clarification can contradict what’s in”, the withdrawal agreement? That does not look to me like a situation in which there can be further consideration.

Baroness Evans of Bowes Park: As I mentioned in an earlier response, the Prime Minister spoke to Mr Varadkar over the weekend. Discussions will continue but we are looking to talk to leaders, the European Commission and the Council to see whether we can provide further reassurance about that particular issue.

Lord Brooke of Alverthorpe (Lab): My Lords, in answer to a Question from one of her Back-Benchers on the economic consequences of the deal, the Prime Minister said that the people will be no poorer than they are today. Is that what the Government believe the people voted for two years ago in the referendum? Now that we face a decline in standards over time, should not the people be given the opportunity to have a second say?

Baroness Evans of Bowes Park: The people voted to leave the European Union, which we are delivering. We are looking to deliver a Brexit that secures jobs and the economy and allows us to make free trade deals across the world. The future is bright and one that we look forward to.

The Lord Bishop of Chester: My Lords, I want to take the House back to the concept of a backstop. Is not the nature of a backstop that it must be a backstop?

A backstop that one party can unilaterally abrogate somehow ceases to be a backstop. How can you negotiate away a backstop and it still remain a backstop?

Baroness Evans of Bowes Park: I have been very clear that there is no deal available that does not include a backstop. Concerns have been expressed about the perceived indefinite nature of the backstop. That is what the Prime Minister will discuss further over the coming days.

Lord Liddle (Lab): My Lords, would not the Government giving some idea of what they think might replace the backstop in the long run be more helpful? Will the Prime Minister tell the many Brexiters in the other place that their proposal for a Canada-plus-plus or whatever free trade agreement will not resolve the problem of a hard border in Northern Ireland and so the Government will have to think of something else? Of course, that something else might be staying in the European Union, which is the best way to avoid the Northern Irish problem.

Baroness Evans of Bowes Park: I agreed with the first part of the noble Lord’s questions but I am afraid that he had lost me slightly by the end. He is absolutely right that a Canada-style deal would mean a hard border in Ireland, which we have consistently raised concerns about. He is also right that there are other options; for example, there is potential for a short extension of the implementation period. We have also got agreement to look at facilitative arrangements and how they could be used instead. The backstop is not something that either side wants to use, but it is an insurance policy. The noble Lord is right that there are other options but no other deal on the table will deal with this issue. The Irish Government and the EU have been clear that there will be no deal without a backstop. That is what we have to address now.

House adjourned at 6.14 pm.

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