

Vol. 799
No. 342



Thursday
5 September 2019

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Questions	
Sexually Transmitted Infections: England	1137
National School Breakfast Programme	1139
Maritime Security	1142
Brexit: Medicine Supply and NHS Staffing	1144
Business of the House	
<i>Timing of Debates</i>	1147
European Union (Withdrawal) (No. 6) Bill	
<i>Second Reading</i>	1149
Parliamentary Buildings (Restoration and Renewal) Bill	
<i>Third Reading</i>	1232
Sentencing (Pre-consolidation Amendments) Bill [HL]	
<i>Report</i>	1234
Sentencing (Pre-consolidation Amendments) Bill [HL]	
<i>Motion to Resolve</i>	1234

Lords wishing to be supplied with these Daily Reports should give notice to this effect to the Printed Paper Office.

No proofs of Daily Reports are provided. Corrections for the bound volume which Lords wish to suggest to the report of their speeches should be clearly indicated in a copy of the Daily Report, which, with the column numbers concerned shown on the front cover, should be sent to the Editor of Debates, House of Lords, within 14 days of the date of the Daily Report.

*This issue of the Official Report is also available on the Internet at
<https://hansard.parliament.uk/lords/2019-09-05>*

The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

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

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

© Parliamentary Copyright House of Lords 2019,
*this publication may be reproduced under the terms of the Open Parliament licence,
which is published at www.parliament.uk/site-information/copyright/.*

House of Lords

Thursday 5 September 2019

11 am

Prayers—read by the Lord Bishop of Birmingham.

Sexually Transmitted Infections: England Question

11.06 am

Asked by Lord Black of Brentwood

To ask Her Majesty's Government how the prevalence of sexually transmitted infections in England has changed over the last 10 years.

Lord Black of Brentwood (Con): My Lords, I beg to move the Question standing in my name on the Order Paper. In doing so, I declare an interest as a trustee of the Bloomsbury Network and patron of the Terrence Higgins Trust.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Blackwood of North Oxford) (Con): My Lords, we are seeing a mixed picture in relation to trends in sexually transmitted infections. There have been increases in some infections such as syphilis, gonorrhoea and chlamydia, but diagnoses of first-episode genital warts have fallen. We are also seeing a steep decline in new HIV diagnoses among gay and bisexual men. Condoms remain the most effective way of reducing the risk of STDs.

Lord Black of Brentwood: I thank my noble friend for that Answer. While the news on HIV is obviously very welcome, is it not the truth that other STIs are now on the rampage, with rates of increase for gonorrhoea, syphilis and chlamydia sky-rocketing ferociously? Does my noble friend agree that what is needed is a cross-sector sexual health strategy and some vision and ambition for what we, as a country, want to achieve around sexual health? Can my noble friend, who I know cares deeply about these issues, tell us exactly what yesterday's spending announcements mean for sexual health funding, which has been cut by £700 million in the last few years, with appalling consequences?

Baroness Blackwood of North Oxford: I thank my noble friend for his Question and I congratulate him on his important work in this area. He is absolutely right that the Health and Social Care Committee recommended a new sexual health strategy and we will respond to its report shortly. In addition to that, the Green Paper consultation on prevention sought views on priorities for a possible new strategy and we will consider those responses very carefully. As he rightly says, the spending review yesterday announced 1% real-terms growth for the public health grant, which I know will be very welcome because it means that local authorities can continue to invest in prevention and essential front-line health services, including sexual health services.

Lord Cashman (Non-Aff): My Lords, I remind your Lordships that I intervene as a non-aligned Member of this House and declare my interest as a patron of the Terrence Higgins Trust. I thank the Minister for her response to the Question. What progress has been made towards PrEP being routinely commissioned for all who need it before the end of the trial in 2020? Does she agree that PrEP needs to be made available as part of routine sexual health services from April 2020 and that no gay or bisexual man should be discouraged from being placed on the PrEP impact trial?

Baroness Blackwood of North Oxford: The noble Lord will agree that this Government have shown significant commitment to the roll-out of PrEP since the start of the PrEP impact trial in October 2017. Over half of the 26,000 places have been filled, which is welcome progress. The trial is scheduled to continue until autumn 2020 and work is now starting to consider future commissioning for PrEP after the trial has ended.

Baroness Jolly (LD): My Lords, as the noble Lord, Lord Black, said, there is good news. Walking into the House this morning through Lambeth, I saw posters telling us that HIV is on the way out, but to be aware of STIs. What proportion of the Chancellor's money announced yesterday will be allocated to local authorities delivering public health and what guidance is given to local authorities on developing sexual health services by Public Health England?

Baroness Blackwood of North Oxford: We will need to confirm the distribution of the grant in due course. I am sure that will be the subject of questions as we go forward. As for the guidance that comes from Public Health England, in developing its plans, local systems work in close partnership with directors of public health to respond to local health needs and deliver on the commitments for the long-term plan. Public Health England works very closely with those directors of public health.

Baroness Masham of Ilton (CB): My Lords, do the Government agree that drug resistance to some of these STIs is very serious and a strategy would help to make people more aware of the problem?

Baroness Blackwood of North Oxford: The noble Baroness is expert in this area and often raises this issue. She is absolutely right that antimicrobial resistance among some STIs is a growing concern. Public Health England has a world-class surveillance system to enable early detection and management of antimicrobial resistance. It is particularly an issue when it comes to gonorrhoea, and it uses that intelligence to advise the national gonorrhoea treatment guidelines. We will continue to keep on high alert when it comes to these matters.

Baroness Manzoor (Con): My Lords, the number of reported gonorrhoea cases has increased by 176.6% among multi-race persons over the last six years. How exactly is the issue being tackled in this community and what funding will be made available for it?

Baroness Blackwood of North Oxford: My noble friend is absolutely right that increases in particular STIs are worrying and we need to make sure that we drive forward our response to that. Some BAME groups are at particularly high risk of STI acquisition, particularly those from a black Caribbean background possibly due to a higher number of sexual partners. PHE's reproductive, sexual health and HIV innovation fund is spearheading new, innovative, community-led interventions to support those at increased risk of infection and we will continue to look for new ways to respond to these challenges.

Lord Winston (Lab): My Lords, it is very unwise to group all STIs together and the organism that I should like to concentrate on for the moment is chlamydia. We may not be diagnosing chlamydia in the right way. Given that the NICE guidelines now mean that we hardly ever do laparoscopies, we cannot show whether people have tubal damage, which is said to be an important part of chlamydia. In my view, that is greatly overestimated. What does the Minister think about research into whether chlamydia really does cause infertility and other problems with conception?

Baroness Blackwood of North Oxford: The noble Lord is of course an expert in where we should target our research. The NIHR is a £1 billion fund which is not targeted specifically. However, it is right that we should target research into STIs to ensure our response to the challenges. We know that STIs are increasing so we should include research into them.

Baroness Finlay of Llandaff (CB): My Lords, how much is the Department of Health and Social Care doing with the Department for Education to ensure that in schools young people are aware of the emergence of antimicrobial resistance among STIs and to make the use of condoms more fashionable? Many young people feel that they are not the things to use, when they are actually the best form of protection.

Baroness Blackwood of North Oxford: The Government have made it clear that we want all young people to be happy, healthy and safe, especially when it comes to relationships. That is why we are making relationship and sex education compulsory for all secondary-age pupils from September 2020. That is intended to equip young people with the skills to maintain their sexual health and overall well-being. The noble Baroness is absolutely right that that will be effective only if it is cool and works well in terms of communication with young people.

National School Breakfast Programme *Question*

11.14 am

Asked by Lord Curry of Kirkharle

To ask Her Majesty's Government what plans they have to continue their funding of the National School Breakfast Programme.

The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con): My Lords, the department is investing up to £26 million in a breakfast club programme, using funds from the soft drinks industry levy. This money will kick-start or improve breakfast clubs in over 1,700 schools. The focus of these clubs has been to target the most disadvantaged areas of the country, including the Department for Education's opportunity areas. Decisions about funding beyond March 2020 will be taken as part of the spending review.

Lord Curry of Kirkharle (CB): I thank the Minister for his response and for the current commitment to the school breakfast programme. However, contracts are due to end, complex supply chains are in existence and, as yet, decisions have not been taken as to whether or not this programme will be funded. If the Government do not commit to the continued funding of this programme, there is a risk that more than 280,000 children will arrive at school one morning and find that there is no breakfast. Will the Minister please reassure the House that the Government will commit to the continued funding of this programme?

Lord Agnew of Oulton: My Lords, as I said, any decision to renew the contract for this national school breakfast programme will be part of this year's spending round, of which headline details were announced yesterday by the Chancellor. My officials are working closely with the contractor on ensuring that breakfast clubs are sustainable. We will announce plans in relation to this shortly. However, I want to ensure that we do not entrench existing suppliers. We must remain alert to other ideas and other methods of delivery.

Lord Storey (LD): My Lords, the Minister will be aware that where breakfast clubs operate it ensures that children's attendance and punctuality improve, healthy food is eaten, attainment achievement is often improved and socialisation takes place. He will also be aware that 62% of teachers say that increasing numbers of children are coming to school undernourished and wanting food. When this decision on spending takes place, will he put those important issues into consideration so that this programme can not only continue but be extended?

Lord Agnew of Oulton: I completely agree with the noble Lord on the importance of a healthy breakfast for children—there is masses of evidence to support the benefits. It improves concentration and provides nutrition, which does not always happen at home. I agree with that. We are reviewing the future of the programme. We had our spending settlement letter and announcement from the Chancellor only yesterday. We want to ensure that we can extend this programme in an effective way. We have targeted it initially in the opportunity areas, which, as noble Lords will know, are some of the areas of greatest deprivation. We want to create a system that is sustainable into the long term.

Baroness Boycott (CB): No one has any doubt about the importance of breakfast and yet, at the moment, apart from the scheme mentioned by my noble friend Lord Curry, almost all these breakfasts are being

provided by charities such as Magic Breakfast. However, even Magic Breakfast reckons that 1.8 million children go to school hungry every morning. Surely this matter should not be haphazardly funded by the sugar tax or by desperate mothers and charities such as Magic Breakfast. Does the Minister agree that this should be a responsibility of the Department for Education and of all of us because we know how fundamentally important it is?

Lord Agnew of Oulton: The noble Baroness makes important points. There is both a macro and a micro issue here. For example, today I looked at the LIFFE futures price for wheat: it is £130 a tonne. When I last worked on my father's farm in 1978 it was about £100 a tonne. Food has never been cheaper. We have had a revolution in the provision of food in this country and, indeed, in the western world. We need to understand why these families are struggling to produce meals at home. A great deal of that centres around education. I appeared before a Select Committee yesterday on holiday hunger and we need to learn a lot more about this. We have introduced the infant free school meals in the past couple of years. That programme is feeding 1.5 million children and has an 85% take-up.

Lord Kirkhope of Harrogate (Con): Does my noble friend agree that much of the funding for these schemes comes from the soft drinks industry? Can he confirm that it is difficult to avoid a conflict of interest when those that might be providing sustenance which is not always as healthy as it should be are involved in schemes such as these?

Lord Agnew of Oulton: The noble Lord is quite right. I should perhaps declare my own interest as someone who grows 3,500 tonnes of sugar beet every year. Of course, a lot of that sugar does not go to the right places. The levy is designed as a pump-primer for the system. We want to see this money encouraging schools to start breakfast clubs that are sustainable in the long term. Noble Lords will be aware that we have just announced a tremendous funding settlement for schools over the next three years. I am confident that there are now resources coming into schools that will enable them to sustain them.

Lord Watson of Invergowrie (Lab): My Lords, it should be a source of shame to the Government that after nine years in power some children in England turn up at school in the morning too hungry to learn. I was astonished to hear the Minister say that he cannot understand why that is the situation. There is a simple one-word answer to that: austerity. That is said to be over now, but it has a long way to run in its effects. The National School Breakfast Programme is a necessity but, as other noble Lords have said, its funding needs to be not just continued but increased—a point made by the CEO of the charity that delivers the programme in his recent report. The problem is that the sugar tax funds it. The Prime Minister has said that he wants to reduce the sugar tax, so where does that leave the National School Breakfast Programme? Labour will enter the general election with a commitment to provide universal free school meals to all primary schoolchildren. What will the Tory party's response to that be?

Lord Agnew of Oulton: My Lords, first, we very much look forward to the general election and at the moment it is the Labour Opposition who are blocking it. Let us deal with the core issues. We know without dispute that children growing up in a home where adults are working are around five times less likely to be in poverty than a child in a household where nobody works. Since 2010, 3.7 million more people are in work. There are 1 million fewer workless households. Children are benefiting from this, and I am very proud of our track record.

Lord Krebs (CB): My Lords, according to the Food Foundation, there are 3.7 million children in this country living in households where a healthy diet is unaffordable. Does the Minister agree that that is a disgraceful situation for one of the wealthiest countries in the world? Can he tell us what the Government are doing to address this problem?

Lord Agnew of Oulton: I come back to my answer to an earlier question. As I said, there is the top line and the micro line. Why are these families struggling? I disagree with the noble Lord opposite that it is down to austerity. I think it is down to learning more about parenting. At a meeting of a committee looking at holiday hunger, one mother said that her children go to the fridge and help themselves to food whenever they want it, whereas at school there are regular, fixed mealtimes. It is simple things such as this. We want to help parents to understand that they need to produce structure and to know how to cook healthy and affordable meals.

Maritime Security Question

11.22 am

Asked by **Lord Mountevans**

To ask Her Majesty's Government what assessment they have made of (1) recent events in the Persian Gulf, and (2) the importance of protecting United Kingdom waters following European Union Exit; and in the light of any such assessments, what steps they are taking to put the funding of (a) the National Maritime Information Centre, and (b) the Joint Maritime Operations Coordination Centre, onto a sustainable, permanent footing.

Lord Mountevans (CB): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and draw attention to my maritime interests recorded in the register.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, Her Majesty's Government are taking immediate steps to protect UK interests in our own and international waters by advancing a one-off payment of £9 million to the NMIC and JMOCC, which were recently brought together under a single director as a joint maritime security centre. These additional moneys will be used to develop maritime domain awareness and operational co-ordination capacity. A bid for longer-term assured funding will be submitted under next year's spending review.

Lord Mountevans: I thank the Minister for her response. Little did I imagine when I put my name down in the ballot that there would be such a positive response 30 or 40 days later. I congratulate the noble Baroness on the excellent news. The maritime industry takes security extremely importantly and these two organisations do vital work in this important area. I am delighted that there is more money available. Would I be right in assuming that that is for one year? If that is the case, can she assure me that her department will press to put this funding on a longer-term secure footing?

Baroness Vere of Norbiton: I assure the noble Lord that the funding is currently for one year, but the department recognises the critical work that these two organisations do, and it will be pressing very hard for a longer-term commitment in future.

Lord West of Spithead (Lab): I thank the Minister for that positive response about the funding. We have been trying to do that for a long time. The Minister will know that the previous Labour Government set up the NMIC, so I am delighted it is going down the right track. However, we have a dearth of assets among all the departments, including the Navy, which is responsible for our offshore tapestry—our territorial seas and protection of the coast—so it is essential that those few assets are properly co-ordinated. Can the Minister assure me that the man now in charge of this centre has the authority to take command and control of assets belonging to different departments to respond to a specific emergency?

Baroness Vere of Norbiton: It is always a pleasure to receive a question from the noble Lord. Indeed, the man now in charge is in your Lordships' House today. It was, of course, the current Government who set up JMOCC, which works very closely with the NMIC. The noble Lord is quite right that maritime assets are spread over a number of organisations: Border Force, the Royal Navy and the coastguard. Co-ordination of these assets is incredibly important. JMOCC was set up in October 2017, so it is not even two years old. It has a lot of capability to deal with live incidents and make sure that maritime assets are in the right place. One of the things this £9 million will do is provide extra capacity so that a planning team can be built to make sure we have optimum deployment of all vessels where we need them.

Lord Hannay of Chiswick (CB): Would the Minister perhaps address the part of the Question related to the Persian Gulf, which she managed to pass over in total silence in her original reply? Would she not agree that probably the best way to strengthen maritime security in the Persian Gulf is to work with our other European allies to get a dialogue going about how to preserve the nuclear agreement with Iran and how to avoid tensions, which risk spiralling out of control?

Baroness Vere of Norbiton: There is quite a lot in the noble Lord's question and I will endeavour to cover as much of it as possible. I did not mean to gloss over it. The situation in the Strait of Hormuz is incredibly important. The NMIC has been giving valuable support, which I have witnessed myself, by monitoring vessels in the Persian Gulf, not only tracking

Red Ensign vessels in transit, which of course is very important, but looking at vessels of interest to see what they might be doing. We are working very closely with our international partners. We are part of the international maritime security construct. We have committed to a frigate or destroyer for that construct, a Royal Fleet Auxiliary tanker and, of course, staff in the command structure and below that. We are working with our international partners. It is absolutely important that Iran does not develop a nuclear capability. Our actions with our partners are part of that.

Baroness Smith of Newnham (LD): My Lords, the second part of the Question relates to fisheries. Could the Minister tell us what assessment has been made of our capabilities to ensure that UK territorial waters will be sufficiently secure in the light of a possible Brexit? The £9 million will not go very far towards that, so is additional funding being put into insuring our fisheries?

Baroness Vere of Norbiton: I am not entirely sure on what evidence the noble Baroness suggests that £9 million is not sufficient. It is the case that as Brexit happens and we leave the European Union we will look at our EEZ. We will be responsible for all vessels in our EEZ and it is likely that we will have to take a closer watch of what is going on within our coastal waters. It is right that we have fewer assets to deploy. However, and this is very important, there are now far better technologies available to maintain our watch over our coastal waters. There is a working group, led by the new director of the joint maritime security centre, looking at the threats and risks following Brexit. It will make sure that we have vessels deployed appropriately.

Lord Howell of Guildford (Con): Following the question from the noble Lord, Lord Hannay, are not events in the Persian Gulf, with £30,000 Iranian speedboats buzzing around our ships, rather an excellent example of applying the constant call of the noble Lord, Lord West, for more frigates and for more flexibility in our naval dispositions, as well as of the dangers, as in the past, of the great leaders of naval strategy deciding to put all of our cash into vast aircraft carriers, which might have their uses but are not much good in this kind of situation?

Baroness Vere of Norbiton: Our maritime assets, particularly our frigates, are under review. We are looking at how we may want to strengthen that in future if we can. However, in the Strait of Hormuz we already have HMS "Montrose" in operation, and HMS "Duncan" will replace it. HMS "Kent" will maintain a presence and HMS "Defender" is also available. Not all these will be working within the international maritime security construct, but we are able to respond.

Brexit: Medicine Supply and NHS Staffing Question

11.29 am

Asked by **Baroness Thornton**

To ask Her Majesty's Government what assessment they have made of the impact of a no-deal Brexit on (1) the supply of medicines, and (2) the staffing of the National Health Service.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Blackwood of North Oxford) (Con): My Lords, we recognise that leaving the EU could affect a wide range of areas across the health and care system. We are doing everything possible to prepare, and our plans should help to ensure that the supply of medicines remains uninterrupted. We continue to monitor staffing levels, and we are working to ensure that there will continue to be sufficient staff to deliver the high-quality services on which the public rely.

Baroness Thornton (Lab): I thank the Minister for that Answer. I suspect that this Question is an appropriate one, given the debate we are going to have later. Given that the majority of the House is trying to save the Government from their foolishness of crashing out of the EU, these are very important questions because they affect people's lives and their futures.

I have two questions. What is the department doing to sort out the fact that the Home Office is still completely failing to deliver how settled status can be offered? We are losing European staff from the NHS, including senior and experienced doctors, at a huge rate, which will mean enormous problems. Secondly, on medicines, what measures have the Government put in place to ensure that the shortage protocol does not negatively impact patient safety, and how are the Government going to prevent the UK from becoming a third-tier market for medicines and ensure that we can access medicines and new drugs in a timely fashion if we crash out of the EU?

Baroness Blackwood of North Oxford: I thank the noble Baroness for her comprehensive questions. Regarding the EU settlement scheme, we are very pleased that there are now record levels of EU nationals working in the NHS and the social care system. We hugely value their contribution. We need them, and we want them to stay. EU nationals working in the NHS can obtain their long-term status in the UK through the EU settlement scheme, and we are supporting NHS Employers in promoting the EU settlement scheme. On 15 August, the Home Office said that 1 million people had been granted settlement status. Where there have been challenges to working through that, there is support to address it. The EU settlement scheme statistics confirm that not a single person has been refused the status that they applied for. About three-quarters of people receive that status without the Home Office needing to ask for additional evidence on the length of residence; we are checking that is working as it should.

When it comes to medicines, we continue to implement a multi-layered approach to minimise any disruptions of medicines and medical products in a no-deal scenario to ensure that patients will have access to the medicines they need. There are about 7,000 prescription-only and pharmacy-only medicines, and we have been working very closely with suppliers, asking them to hold at least six weeks of stock. The shortage protocol will be led by clinicians, to ensure that patients can access the medicines that they need and are not put at risk. Any decision about this will be made between the patient and their clinician, to ensure that it is appropriate for the care of the individual patient in question.

Lord Deben (Con): My Lords, the Government have claimed that they have done a detailed account of what would happen if we were to leave the European Union, as far as the health service is concerned. Why have they not published that detailed account, why do we not know any of those details and why is the whole country being kept in the dark on all these issues? The Minister has the facts. Can we please have them now, so that we know what we are debating about?

Baroness Blackwood of North Oxford: I do not believe that the noble Lord is presenting an accurate picture of the case. We have been very clear with the public, and a lot of information has been published on the MHRA website, on GOV.UK, on nhs.uk and in a number of other places, regarding the information about the analysis of the impact of no deal on patients and on the NHS. We have been very clear about the risks that we think there may be to the supply of medicines due to temporary disruption at the border and the mitigating measures that we have taken to ensure that the supply will continue uninterrupted to patients and to the healthcare system. If the noble Lord wishes to have more information, I am sure that he would be very happy to write to me, and I will place a copy of my reply in the Library.

Lord Clark of Windermere (Lab): My Lords, the noble Baroness is aware that virtually every pharmacist and every GP is experiencing dire shortages of certain medicines already. If the Government have such a good alternative plan for a no-deal Brexit, why do they not bring forward those plans to deal with the shortage that patients are facing today?

Baroness Blackwood of North Oxford: At any given time, there are about 100 to 150 medicine shortages within our system. There is a team specifically set up in the Department for Health and Social Care to deal with these shortages. There is no evidence whatsoever that the shortages within the medicine system at the moment are related to Brexit. I work to respond to those shortages every day. The system that we have set up to respond to the potential risks of no deal—which we do not want to happen—is prospective. We are confident that it will be able to respond to any potential border disruption on the short straits.

Baroness Jolly (LD): My Lords, what proportion of our pharmaceuticals are manufactured in the UK? Have Brexit deal negotiators discussed pharmaceutical supplies and, if so, what was the outcome? How many people will be immediately affected if a no-deal Brexit is the final outcome?

Baroness Blackwood of North Oxford: I do not have the data for the proportion manufactured in the UK, but I can tell her that there are 7,000 prescription-only and pharmacy medicines with an EU touchpoint which we believe we need to import into the UK at the point of no deal. We have been working very closely with those suppliers, asking them to hold a six-week stock, over and above the usual buffer stock that they hold in case of a potential shortage, which they always hold a risk of. We have also put in place a number of other multi-layered mitigation measures, which include securing capacity for re-routing freight. We have also put in

[BARONESS BLACKWOOD OF NORTH OXFORD] place a number of other measures, such as providing assurance of readiness for logistics and supply chains to meet new customs and border requirements. We have been working to ensure that we communicate that to all those along the supply chains, in the NHS system and in the pharmacy chain.

Arrangement of Business

Announcement

11.38 am

Lord Ashton of Hyde (Con): My Lords, before the noble Baroness moves her Motion, I thought I should speak very briefly about our business for Monday and the items of business that were not reached yesterday—or, more accurately, this morning. At the end of today's Second Reading debate, we will take the Third Reading of the Parliamentary Buildings (Restoration and Renewal) Bill, followed by the Report stage of the Sentencing (Pre-consolidation Amendments) Bill. No amendments have been tabled, and we expect both Bills to be taken formally.

The two items of substantive business that have been displaced are the debate on the reports concerning the Northern Ireland (Executive Formation etc) Act and the Second Reading of the High Speed Rail (West Midlands - Crewe) Bill. They will take place on Monday. The running order will be confirmed via the next edition of House of Lords business.

Finally, I understand that the Public Bill Office will be accepting amendments for the Committee stage of the European Union (Withdrawal) (No. 6) Bill from now until 30 minutes after the conclusion of the Second Reading debate.

I will continue to talk to the usual channels about any further business for next week and will keep the House updated.

Business of the House

Timing of Debates

11.39 am

Moved by Baroness Smith of Basildon

That:

(1) Standing Order 40(3) to 40(9) (*Arrangement of the Order Paper*) be dispensed with to allow proceedings on the European Union Withdrawal (No.6) Bill to start immediately after this motion has been agreed to on Thursday, 5 September and immediately after Prayers on Friday, 6 September and to take priority over other public business.

(2) Standing Order 46 (*No two stages of a Bill to be taken on one day*) be dispensed with to allow more than one stage of the bill to be taken on one day.

(3) Proceedings on Second Reading, so far as not already concluded, shall be brought to a conclusion at 7pm this day and if the bill is read a second time then, notwithstanding Standing Order 47(1) (*Commitment of Bills*), it shall stand committed to a Committee of the whole House without Question put.

(4) Committee stage, Report stage, Third Reading and Passing of the bill, so far as not already concluded, shall be brought to a conclusion at 5pm on Friday, 6 September.

Baroness Smith of Basildon (Lab): I thank the Chief Whip for his very helpful explanation of how the business is working out. I wish to say a few words in proposing the new business Motion; I think that everyone wants to get on and have the substantive debates.

I would like to say a few thank yous. After a long night of debate, I want to reflect on how often this House—supposedly the senior House—sits so much later than the other place. It happens on many occasions.

First, I thank the Chief Whip and the Leader of the House for their courtesy and resilience last night in our numerous meetings to get to a position agreed by and acceptable to your Lordships' House. I am grateful to them and to all noble Lords who, until very late in the evening, sat here and engaged in the debate. Their engagement on this difficult issue was amazing and people were very patient. I also thank all noble Lords who advised and engaged with us during our discussions.

It is also right that we as a House place on record our thanks to the staff, particularly of the three Front Benches. I mention specifically the doorkeepers and the staff of the House, whose courtesy, friendliness and helpfulness last night exceeded our expectations. They had no knowledge that we were likely to sit so late, but they did so with great charm; we are very grateful to them.

I beg to move.

Lord Newby (LD): My Lords, I echo briefly the words of the noble Baroness, Lady Smith, in expressing thanks from these Benches for the Government Front Bench's co-operation late in the evening, which enabled the House to deal with its normal business today rather than still being on a rather ridiculous merry-go-round. I also echo the noble Baroness's thanks to our staff, especially the staff of the House, who kept the show on the road with their usual efficiency and cheerfulness.

Lord Hope of Craighead (CB): On behalf on these Benches, I echo what has been said by the noble Baroness, Lady Smith, and the noble Lord, Lord Newby, particularly in relation to the staff, who were such a help to us until a late hour last night.

Lord Tyler (LD): My Lords, I want to take this opportunity to convey to the Leader of the House our relief that she is in her place again. After her intervention early in the debate yesterday, her disappearance caused some concern; there was a rumour that she had either resigned, been sacked or been kidnapped by Mr Dominic Cummings. Given yet another ministerial resignation this morning—that of Mr Jo Johnson—I hope that we can note that her activities behind the scenes and the diplomacy that she was clearly using to bring the House together are always appreciated. Of course, she is not just a member of the Cabinet and a party representative; she is also the representative of the whole House and we respect her role in defending our reputation.

Motion agreed.

European Union (Withdrawal) (No. 6) Bill

Second Reading

11.42 am

Moved by **Lord Rooker**

That the Bill be now read a second time.

Lord Rooker (Lab): My Lords, I move this Motion on behalf of the elected House. I am not here to debate leave, remain or Brexit. The Bill is about how Brexit is carried through so that the UK does not leave without a deal and that, once a deal is there to be voted on, we will leave, if the House of Commons agrees, via its meaningful vote.

Of course, this House does not have a meaningful vote. The Bill has come from the elected Commons but this is not a normal situation. The timetable has been forced on Parliament by the Prime Minister. Our role is not necessarily to rubber-stamp the elected Commons but, given the Prime Minister's Prorogation timetable, the House has no real time to amend the Bill without jettisoning it as a whole—it is too risky. This is not the preferred way to scrutinise. It has been forced on the House. In this respect, I much regret that the Leader of the Lords saw fit to be part of the Privy Council's forcing an early close-down of Parliament. Knowing the sensitivity of being the Leader of the House, she should, I believe, have declined that invitation. There are plenty of privy counsellors around to choose for the task.

It is not the case that it must be certain privy counsellors. In 2005, for the Prorogation Privy Council, there were three privy counsellors present at Windsor. None of them was from the House of Commons; two were Ministers from the Lords, of which I was one, and another was a member of neither the Government nor the House of Commons. There are plenty of privy counsellors. The Leader of the House did not have to accept that invitation; it has dragged this House into the issue of closing down Parliament early when it was not necessary. We need to consider what is sent to the Lords and the context in which it is sent. There is a clear breakdown of trust in the Commons, which is under extreme pressure. It has now decided, as it did earlier in the year, to try to take some responsibility for and control of the decision on a no-deal Brexit. To coin a phrase, the Commons has acted to stop a no-deal Brexit by any means necessary. We have gone past the stage where many of the public thought that no deal meant not leaving—the Operation Yellowhammer papers have made that clear to everyone concerned.

I always preface my presentations for the Peers in Schools programme by saying that we have two Houses of Parliament, but they are not equal. The role of the Lords is to scrutinise and sometimes to ask the Commons to think again, but knowing that the Commons always has the last word. But we are not in normal times. As I said earlier, the Prime Minister's timetable means that we are in no real position, whatever the business arrangements for Monday, to ask the Commons to think again on this Bill. It almost amounts to a national emergency in legislative terms. We need to treat the Commons with respect as it tries to achieve the objective.

It alone has the legal and political responsibility for the meaningful vote. It is as divided as the nation, but it has sent us a Bill.

We should now, as far as the Prorogation timetable allows, operate the conventions to give the Commons the last word. The conventions are in play as never before—we saw that yesterday. Indeed, the conventions are being changed. A convention breached requires what we might see as an unconventional approach, hence the business Motion and hence effectively timetabling consideration of this Bill.

When I was young and out of order, my mother used to call me Jeffrey, rather than Jeff, and often told me, “two wrongs don't make a right”. Today I have to ask: if the wrongs are not two but more, many more—eight, nine, or a dozen at least—what do we do? We have the early closing down of Parliament, misleading on the negotiation, ignoring purdah rules, spending without the OBR, attempting to leave come what may, refusing to publish the consequences of leaving for the poor, failing to table amendments to the withdrawal agreement, attacking Dublin, running the clock down, leaving UK citizens high and dry in the EU and EU citizens in the UK in limbo, and putting the union in peril. That, to me, is a massive breach of the conventions that we should be operating under, which has caused this reality with this Bill. It is an unconventional response to the breaching of the conventions. I commend it to the House.

11.48 am

Baroness Hayter of Kentish Town (Lab): My Lords, this is actually a simple and quite straightforward Bill, but that does not make it unimportant. What it seeks to prevent—a no-deal crash-out on the simple say-so of the Prime Minister—has major implications.

Like other noble Lords, I spent August in France where, at a birthday party, I met Monsieur Serge Ratel, born in Normandy soon after the war. Learning that I was British, he fixed me with a steady but rather sad eye and—I hope I have translated this properly, because my French is not perfect—said, “You Brits have done so much for us. You rescued us during the war and then, in the way that you engineered the post-war reconstruction, you enabled us to recover in a way that made possible the European Union. Since you have been in, you have helped steer our whole continent and helped us remain at peace with ourselves and with each other”. He went on to say that while, as strong allies, the EU could survive without us, as it had done in its early years, our leaving without a deal would harm not just the UK but the EU itself.

That is what the Bill is about. It is not about whether we leave but about the method of our going—whether we depart as friends, neighbours and allies, with agreement between us and in a way that best supports our economy, security and the people across the continent. It matters for them, but how we leave also matters for our democracy. It must not happen without the consent of the Commons.

We rehearsed the economic and security risks of no deal in your Lordships' House on Tuesday. This Bill is about something else. It does not say that we could never leave without a deal. It says that that could happen

[**BARONESS HAYTER OF KENTISH TOWN**] only provided the Commons agrees. We have already in your Lordships' House helped write into the withdrawal Act that any deal on which we leave must have the consent of the Commons, so this Bill simply extends that to include leaving without a deal. To ensure that that is the case, it requires the Prime Minister to seek an extension to the Article 50 negotiating period, either to provide time for that deal or to allow the Commons to concur with a no-deal exit, if that is what the Prime Minister is to recommend.

So the Bill is actually quite simple, it is democratic and we will support it from these Benches.

11.51 am

Baroness Ludford (LD): My Lords, I too thank the noble Lord, Lord Rooker, for introducing the Bill. As has been said, a broad coalition came together to support this short Bill, which is simple and has a narrow focus: to prevent a crash-out Brexit for which there is no mandate. As Hilary Benn MP said, preventing a no-deal Brexit is the central most important question facing the country. The new MP Jane Dodds, who made her maiden speech yesterday, gave an illustration of what would happen to sheep farmers in her constituency.

I pay tribute to the responsible senior politicians from all parties who came together in the national interest. As we know, that included two distinguished Conservative former Chancellors of the Exchequer, Philip Hammond and Ken Clarke. What is notable is that many people have commented that it is an odd world in which an individual's Conservatism is measured by how recklessly they wish to leave the EU. We are in a topsy-turvy world.

Supporters of the Bill are open about the fact that, beyond preventing the devastating harm and disruption of no deal, they have very different views on how to resolve the Brexit question. None of those options is precluded by the Bill, which, as I said, has a narrow scope. As Alistair Burt, one of the co-sponsors of the Bill, said,

"is the Bill a stumbling block to negotiations? No, it is not. The Bill does not prevent the Prime Minister or the Government from negotiating".—[*Official Report, Commons, 4/9/19; col.224.*]

It simply prevents no deal unless the Commons agrees to it and gives the Commons powers over the extension process—so it is taking back control to Parliament in action rather than in empty rhetoric.

Lord Grocott (Lab): The noble Baroness talked about the coalition of people who have grouped together to propose the Bill, which essentially delays Brexit for a minimum of three months. Can she tell us what that coalition of people intend to do with those three months?

Baroness Ludford: I covered that point. The Bill does not prevent a deal, because a deal could be agreed within the extension period—that is specifically covered. I said that the coalition is perfectly open about the fact that it has coalesced on a specific, narrow purpose: to prevent massive harm to the people of this country. Beyond that, there will be further discussion about how to proceed.

Lord Howard of Lympne (Con): Will the noble Baroness now answer the noble Lord's question?

Baroness Ludford: I just have.

11.55 am

The Earl of Listowel (CB): My Lords, perhaps I may briefly raise some concerns about the impact of a no-deal Brexit on children in low-income families. I welcome this Bill. As the noble Lord, Lord Rooker, said in opening the debate, there is particular concern about families on low incomes, and the adverse economic impact on them that would follow a no-deal Brexit. In the course of austerity, we have seen families on low incomes suffering significantly. Cuts to local authorities have reduced support for vulnerable families. Consequently, what we have seen and what has been recorded in numerous reports is that the number of children coming into local authority care is rising year on year. Generally, it is children from the poorest families who are taken into the care of the state.

I warmly welcome this Bill as it prevents a no-deal exit. I am concerned that, if we proceed with a no-deal exit, we will see more harm done to these families. I am also concerned about the number of children who are not fully documented and who have uncertain immigration status, and in particular those in care. Local authorities are finding it difficult to get proper documentation for about 3,000 or 4,000 children in their care. In his response, I would be grateful if the Minister could address concerns about their welfare. In fact, he will not be responding. Perhaps the noble Lord, Lord Rooker, or the Opposition might say a few words about their concerns about the impact on low-income families and about the documentation of children with uncertain immigration status, particularly those in local authority care.

11.57 am

Lord Howell of Guildford (Con): My Lords, this Bill will of course go through, but any idea that it will solve all our problems can be dismissed here and now. We have already heard of some of the dilemmas ahead and they will be not only for my party and the Government but for the Labour Party, as the morning newspapers and broadcasts make clear. There are some difficult questions for Labour to resolve, which it has not yet done.

In the light of this difficulty for all the parties, there is, possibly, a way out that begins to have some light in it for remainers and remoaners, leavers and believers—in fact, for all of us. That could occur on or around 17 October, with the possibility, at present dismissed by almost everybody, of an amended withdrawal agreement with—using the words of Monsieur Macron, Angela Merkel and, although perhaps not the Taoiseach himself, many people in the Republic of Ireland—the “unnecessary” backstop modified or removed.

The noble Lord, Lord Newby, eloquently and again and again, says there is no hint of alternatives. There are massive alternatives that have been worked out with huge authority by a vast range of people—by consulting border operations throughout the world, by taking

examples everywhere, by drawing back into the history of the Northern Ireland border in immense detail, by analysing precisely the kind of traffic going across every day and by taking into account that we remain, with the Republic, in the common travel area and outside Schengen. These details exist. It suits everybody involved at the moment to say that there are no details. It suits Monsieur Barnier to say that there is no hint of an alternative. He is quite wrong. He is bound to say it for the moment, but there are massive volumes containing immense detail, which could provide the alternative to the backstop. The date is 17 October.

Lord Krebs (CB): One is very interested to hear about this massive detail. I may be mistaken but I read in the paper that, when the Prime Minister met Chancellor Merkel a few weeks ago, it was agreed that he would produce his alternative plan within 30 days. One wondered why he needed 30 days if the plan already existed. Perhaps the noble Lord could tell us—if he knows—whether Mr Johnson has revealed this cunning plan to Chancellor Merkel and whether she has accepted that it is an appropriate alternative to the backstop.

Lord Howell of Guildford: My Lords, the word “reveal” is a misnomer. The full reports of the alternative arrangements group exist. The summaries exist. All the background material is available for anyone to read. To what extent it has been pressed by government negotiators in Brussels—Mr Frost and others—I do not know. You do not need to reveal something that has already been published. These things have been worked out and are available. I am not saying that anyone will agree to them, and it pays people at the moment to pretend they do not exist or have not been revealed. They have and they are there.

Lord Patten of Barnes (Con): Perhaps I can encourage my noble friend to help the House on one point. Can he name anywhere in the world where different customs unions share a border, without the sort of hard border which is of concern to everyone? Just name any one. The United States and Canada: no. Switzerland and France: no. Where are there two countries with different customs unions side by side that do not have a hard border?

Lord Howell of Guildford: I think Members of this House and others have visited the Norway-Sweden border.

Noble Lords: No.

Lord Howell of Guildford: My noble friend is enormously experienced in these matters, particularly in Northern Ireland. He, above all, knows that the Northern Ireland/Republic of Ireland situation is unique. There is nothing like it in the rest of the world. I was involved with Mr Whitelaw in trying to reinforce the military side of the border to stop the Provos coming up from Dundalk. We tried, but it did not work because there are a thousand other outlets. Even if people wanted to recreate a visible border, it would not work. My noble friend knows perfectly well that the Irish situation is unique and that there are, therefore, opportunities for unique solutions. I am not saying that it will be admitted. I do not expect even my noble

friend to admit that anything I am saying at the moment is correct. The facts, the documents and the expertise on many other frontiers are there. I do not have all the details in front of me at this moment to quote in the debate. They are there for reading and I am sure he has read them.

That was my first point. There is a way out if we are careful and sensible and deal with the matter in a mature way. I am not that hopeful it will happen, given all the interruptions, but there we are.

Lord Liddle (Lab): I am sorry to correct the noble Lord, for whom I have the greatest respect. When I was a member of your Lordships’ EU Select Committee, we took evidence from the border people in Norway and Sweden. To the best of my recollection, the conclusion was that they were very proud of the smoothness of their arrangements, but that every lorry was delayed by at least 10 minutes at that border.

Lord Howell of Guildford: I do not want to continue with this, but if the noble Lord—for whom I have great respect as well—cares to read the alternative arrangements report, he will see that the detailed analyses of what goes on at various borders are examined by experts. The evidence is there. There are pages of it. He will see exactly which bits could apply to the border in Northern Ireland and which do not.

Lord Adonis (Lab): I have read that report and none of the proposals is credible, which is the reason Her Majesty’s Government have not published those proposals as their own.

Lord Howell of Guildford: I simply repeat: the alternative arrangements documents are there and go into considerable detail. They can be dismissed or agreed to, depending on your state of mind, but they are a way out. I now want to say something on a different area. Are there any other interruptions before we leave this? There is one more.

Baroness Altmann (Con): I have enormous respect for my noble friend and what he has been trying to achieve in this House. If we are honest, the hard border and any mitigations are trying only to make a hard border slightly less hard. The only way, if we leave the customs union and single market, to solve the problem in Ireland is to have a border down the Irish Sea and cut off Northern Ireland. Is that what the Conservative and Unionist Party wishes to do?

Lord Howell of Guildford: That statement—“the only way”—again reveals the Manichean approach. There are already controls on livestock and weapons down the Irish Sea. They already exist. There are controls all around the invisible border to Northern Ireland, so this constant either/or is misleading us and guiding us away from sensible compromise solutions, which a calmer atmosphere would soon reveal and resolve.

Lord Framlingham (Con): I am afraid the arguments today are already becoming as circular as ever. Is the truth not that remainers will not accept the position, just as leavers have their views too? What my noble friend is saying is absolutely true: those who really understand it know there are ways of doing this, but

[LORD FRAMLINGHAM]

the baying leavers will not accept it. I urge my noble friend to save his breath and move on to something else.

Lord Howell of Guildford: I thank my noble friend for that encouragement. I turn now to a matter addressed to my own party, which will possibly produce more agreement opposite. The so-called Cummings purge is a major political blunder. These blunders happen at the end of a sequence of earlier blunders. You can watch how earlier mistakes and errors, blunder after blunder, lead to a point where, suddenly, there seems no choice and the new folly is committed. The new folly of my party is to reduce its membership by 21 and exclude two ex-Chancellors, an ex-Deputy Prime Minister and my dear friend Sir Nicholas Soames. I just hope it will pass. I hope Rory Stewart's view that this will pass is right, and that they are restored to the party. This is again part of the Manichean tone in which matters are presented, when everything is either right or wrong, in black and white.

Delay of the Bill will solve nothing, although it seems a way out. In another three months, we will be back to exactly where we were before. The referendum so beloved of the Lib Dems, even if we get it through, will not solve anything either. An election is bound to come sometime, but I say to my noble friends that, whether it comes or not, normal times will never return. We are living in a completely different digital age, in which populism is in power. Both parties—mine and the great Labour Party—will have to reunite and change on entirely different terms. Neither can build on the basis of the old dogmas. If that is the one lesson that emerges from this unhappy situation, let us at least take account of it.

12.08 pm

The Lord Bishop of Leeds: My Lords, it is already evident in some of the terms of this conversation—of this debate—that we have to get away from this binary thinking about leave or remain. They were terms that pertained to the referendum in 2016 where the question was “what”. Where we have got stuck is on the question of “how”. You do not need a degree in logic or philosophy to recognise that they are different questions. The Members of the other place and of this House trying to take their obligations seriously under the constitution to serve the people of this country means that we have got to this sort of impasse. It is not because of negligence, or because of waging ongoing campaigns from three years ago. I deeply resent the constant insinuation that if you voted remain then you remain a remainer and anything you do has to be suspected as being a plot to ensure that we remain. Many people in this House who voted remain have gone on to say that the referendum result was to leave and we have to move on to the question of how to do that but with the responsibility to look to the interests of our country.

If, as the Prime Minister said fairly recently, we will easily cope with no deal, why not publish what the actual costs of no deal will be, as for example King's College London, the UK and the EU project have done, and others are doing? Why not listen to those

from Ireland and Northern Ireland, who look somewhat askance at some of the discussions going on here about them—rather than with them, if I can use that term? We are still wrestling with the question of “how”. In my own imagination, I have flirted with what the virtues of no deal would be. One of them would be that it would force us to behave like adults: you face reality, you count the cost and you suffer the consequences. If we are to cope easily and there are to be no terrible consequences, fair enough, but that is not what we are hearing from those doing the detailed work. I know we have to discount experts and intellectuals, but who else will do the work?

If we are to have an extension, there will be two factors at play. The first is that an extension is not a vacation; it is for work to go on and a deal to be sought. The Prime Minister assures us that negotiations are going on, but everything we hear from the EU is that they are not—who do we believe? The second factor is that the timetable—the programme—will be conditioned to some extent by factors that we have no control over, such as the EU budget programme and its timings for establishing its future without us. We cannot simply extend for ever, but what is the content of the conversation that will go on during any extension?

The last thing I want to say to shine some light into this debate is that, while we focus on Brexit and the costs and benefits of however we leave the EU, we will still need, when all that is done—that will be the beginning of the process, not the end, as this was supposed to be the easy bit—a vision for what Brexit is supposed to deliver for the people of our country. What are the big values? What is the big picture? What is the country that we want to live in? We are told that this is to be the greatest place on earth to live, but let us flesh that out. What will it look like? What will it look like for Britain to be “great”, rather than just have that as a title or a slogan? That is the imaginative work that we need to begin in this House, in the other place and in the discourse in the wider country. What sort of country do we want to be? What values will shape it? What price truth, reality and behaving like adults, where we face the cost and are willing to suffer or enjoy the consequences? That is the conversation we need to move on to and I fear that we will have to do so fairly soon.

12.15 pm

Lord Campbell of Pittenweem (LD): My Lords, I fear that I will disappoint the right reverend Prelate because I unashamedly believe that it is against the interests of the people of the UK that we should leave the EU. Throughout my political life, I have believed in two things: the union of the UK and the membership of the UK in the EU. In the next two or three years, I could see both struck down. I imagine that I will not be the only person in that position. Since I unashamedly and profoundly believe that our interest is best preserved by remaining—to answer the question of the noble Lord, Lord Grocott, taken up quite legitimately by the noble Lord, Lord Howard—I shall use the time available to argue that case as fervently as I possibly can.

I turn to the question of Scotland. Would it not be a quite extraordinary outcome if a party describing itself as the “Conservative and Unionist Party” were

to preside over the break-up of the United Kingdom? I do not know how often noble Lords go north of the border but it is worth doing that, if only for a couple of days, to understand the sense of injustice that so many people in Scotland feel about the attitude and policies of the present Prime Minister. That can only put wind in the sails of the Scottish National Party—and, God knows, it is adept at ensuring that any puff of wind in its direction is put to the best possible use. In my view, that would be damaging not just to Scotland but to the UK. For my part, I will not allow that to pass unless I am satisfied that I have done everything in my power to prevent it.

My second point is political. People often say, “All we joined was a customs union”, but it always was a political union, just as NATO, a defence union, was always was a political union. Why was it political? Because it was to try to avoid the fact that within 21 years two wars had taken place on the continent of Europe. If you are old enough to remember the Pathé newsreels of the devastation that had been caused to Europe, you will hardly find it surprising that the people whose countries had been invaded and occupied were determined to find an alternative way of living, and that has been remarkably successful. When the EU, in the shape of Mr Barnier and others, is reluctant to do anything that would detract from the EU’s economic integrity, that is as much about security as anything else because in economic integrity lies security integrity as well.

I hope that from time to time we look outside our own borders. We have a meddling Russia. As Russia’s economy goes further down Mr Putin has to keep meddling, trying to put the so-called West off its stride. The EU is a challenge to him, just as NATO is. His policies are the undermining of one and, if he can, the destabilisation of the other. We have an expansionist China, whose expansion is not just military but economic. Look at the extent of Chinese investment in this country and ask yourself whether that has had any impact upon the attitude expressed publicly by our Government in relation to the events in Hong Kong, to which, even if we have a declining legal obligation, we most certainly have a continuing moral obligation. Also, look at the White House. Can anyone ever remember a White House so uncertain and unpredictable? In this extraordinarily changed world, does it make sense to leave a political and economic union that has been so successful since its first creation?

Those are the reasons why I am a remainer. If the Bill is passed, I shall use every minute available to ensure that that case continues to be put to the people of the United Kingdom.

12.19 pm

Lord Howard of Lympne: My Lords, it is always a pleasure to follow the noble Lord, Lord Campbell, with whom I have had the pleasure of jousting over many decades. Occasionally I have even agreed with him. I will not follow his speech in its entirety, but before I address the remarks that I prepared I will deal with one of the observations he made and challenge one of the myths that has grown about the role and achievements of the European Union.

It is often said and rarely challenged that one of the great achievements of the European Union was peace in western Europe after the Second World War. I do not believe that to be true. The peace that has existed in western Europe after the Second World War actually owes more to the Soviet Union than it does to the European Union. It was inconceivable for almost 50 years after the end of the Second World War, when western Europe faced an existential threat from the ambitions of the Soviet Union, that any further fighting should take place in the western part of the continent. They were obliged to unite to face that threat. That was why we had peace in western Europe for 50 years after the Second World War. Of course, happily, after that period had lasted and the Soviet Union had disintegrated, the countries of western Europe had got out of the habit of fighting each other and we have been able to enjoy peace ever since.

Lord Patten of Barnes: Does my noble friend seriously think that the only reason for Franco-German reconciliation after the war, which is at the heart of European peace and building a new Europe out of the moral, economic and political rubble, was the Soviet threat? It might have contributed, but there were far bigger political issues that produced that, thank heavens for all of us.

Lord Howard of Lympne: We can argue about whether it was the only reason. Of course other factors encouraged Franco-German reconciliation, but the peace of the western half of the continent was an inevitable consequence of the threat those countries faced from the Soviet Union to the east.

Lord Liddle: This is a very interesting historical debate, but I add to it to the point that one reason why Franco-German reconciliation occurred was because of the construction of the Federal Republic of Germany—in which Britain, in the post-war Labour Government, in particular its Foreign Secretary, Ernie Bevin, played an absolutely central role—and its being one of the most successful states in Europe since the Second World War. That has been an essential underpinning of European union and peace.

Lord Howard of Lympne: I can go a long way towards agreeing with the noble Lord, but that is a somewhat different matter from the role of the European Union.

Lord Cormack (Con): Following on from what the noble Lord, Lord Liddle, just said, would my noble friend agree that we would not have had a peaceful Europe without a strong, stable Europe? Fundamental to creating that stability was the Coal and Steel Community, out of which came the European Common Market, as it was originally called. I believe it was a profound mistake, which a very great British Prime Minister tried to put right, that we were not in much earlier. My noble friend cannot say that it was just the Soviet threat that created a strong, stable Europe because that is manifestly untrue.

Lord Howard of Lympne: With respect to my noble friend, I did not say that. I repeat what I said: peace in western Europe after the Second World War owed

[LORD HOWARD OF LYMPNE]

more to the Soviet Union than it did to the European Union. I did not say that the Soviet Union's threat was the only factor. Of course there were other factors. Many of the things said in questions to me in the past few minutes have considerable truth to them, but it is ridiculous to ignore the extent to which peace in western Europe was a consequence of the existential threat that the western part of the continent faced from the Soviet Union to the east. I would like to proceed to consider the Bill.

Lord Hannay of Chiswick (CB): I do not intend to prolong this historical debate, other than to say to the noble Lord that he is falling into the trap that an earlier speaker warned us about—he is being too Manichean. He is juxtaposing the Soviet Union threat, the NATO response and the European Union. It is all of them together. It is because they are all working together to common aims that we have managed to come through better. When war broke out in Europe again in the 1990s, in the Balkans, the longer-term response to that has come mainly from the European Union. Surely we can move away from this distorted view of history and accept that the European Union has played an integral part in our security and prosperity but not the only part.

Lord Howard of Lympne: I do not disagree with the noble Lord. His intervention establishes that we have made some progress because, in common parlance, the European Union is frequently given the entire credit for creating peace in western Europe after the Second World War but I do not believe that to be true.

Lord Campbell of Pittenweem: Will the noble Lord give way?

Lord Howard of Lympne: I shall not give way on this any more. I want to move on to consider the Bill before your Lordships' House today, on which we ought to focus our attention.

The noble Lord, Lord Hennessy, whom we all admire and for whom we have so much affection, has recently propounded a novel theory of government and has given it a name—he calls it the government of good chaps. He is in a better position to explain his theory than I am but, as I understand it, one of the elements is that the constituent parts of government and our unwritten constitution should behave within their respective roles as understood by convention and tradition under those unwritten rules. I contend that the legislation before the House is a fundamental breach of the good chap theory of government.

I shall endeavour to explain why I have reached that conclusion. Our unwritten constitution is based on the separation of powers—in particular, between the Executive and the legislature. It is the role of the Executive to govern; it is the role of the legislature to hold the Executive to account—to hold to account but not itself to govern. This Bill represents an attempt by the legislature to assume the mantle of government. That is why it is wrong and illegitimate, constitutes a fundamental breach of the good chap theory of government and is in breach of the conventions of our

unwritten constitution. These observations would apply regardless of the underlying reason which gives rise to the Bill; and the fact that the underlying reason underpinning the Bill relates to Brexit makes it even worse.

Lord Butler of Brockwell (CB): If the only role of Parliament is to hold the Government to account, how does the noble Lord explain the fact that we pass laws which bind the Government? We often amend Bills that the Government introduce in a way that they do not want. We do more than hold the Government to account; we set the way in which the law of this country and the Government act.

Lord Howard of Lympne: Parliament passes laws initiated by government, and when Parliament passes, and indeed amends, those laws, it does not enter into the detailed prescription of government contained in this Bill. That is why this Bill and its predecessor, introduced earlier this year, represent so fundamental a breach of precedent. They were facilitated only by the fact that the Speaker in the other place decided to dispense with precedent and, as far as we are aware, to dispense with the advice he was given and to allow the Opposition to take charge of the business of the House.

I want to take the House back to the Second Reading of the referendum Bill in the other place—the Bill that provided for the referendum. That debate was introduced by the then Foreign Secretary, one Philip Hammond. He said that,

“whether we favour Britain being in or out, we surely should all be able to agree on the simple principle that the decision about our membership should be taken by the British people, not by Whitehall bureaucrats, certainly not by Brussels Eurocrats; not even by Government Ministers or parliamentarians in this Chamber”.

I repeat,

“or parliamentarians in this Chamber”.

He said that the decision should be,

“for the common sense of the British people”,

and that this Bill,

“delivers the simple in/out referendum that we promised”.—[*Official Report*, Commons, 9/6/15; col. 1056.]

The Bill which provided for that referendum was of course passed by a very large majority, but the difficulty that we have faced ever since is that the British people delivered a result that Parliament neither expected nor wanted. I am happy to give way to the noble Lord.

Lord Winston (Lab): I do not want to take up much time but it is very clear that, if we had to take the decision again, we would not have a referendum.

Lord Howard of Lympne: The noble Lord is entitled to his view but I would not agree with him.

That is the root cause of the difficulties that we have faced over the last three years. Parliament took a different view. Parliament got the result from the British people, and certainly the then Foreign Secretary, who moved the Second Reading of the Bill, got a result very different from the one that he wanted or expected. I regret to say that Parliament has, at every turn, sought to thwart the implementation of that decision of the British people, and this Bill is but the

latest instalment of that sad endeavour. Of course, it gets us nowhere. We have had one extension as a result of the Bill's predecessor. It has given six months of extra time, which has resulted in no conclusion. The failure of the noble Baroness, Lady Ludford, to answer the question posed by the noble Lord, Lord Grocott, was eloquent in its admission that those who came together to support the Bill before your Lordships, both in the other place and in this House, are not in any sense in agreement about the next steps and what ought to be done.

This situation is made even more serious by the refusal of those who proclaim their belief in democracy to put that belief into practice. It is bad enough that Parliament thinks that it knows better than the British people on this issue; it is even worse that, as things stand at the moment, Parliament is denying the British people a general election in which they would have the right to decide and to express their view on the performance of the malfunctioning of the other place and to insist on the implementation of the decision that they took in 2016. This Bill is, I hope, one of the final acts of a House of Commons that has proved itself manifestly incapable of meeting the challenges in front of it. I urge your Lordships to reject it.

Lord Hope of Craighead (CB): My Lords, we have had only one speech from the Cross Benches so far. I suggest that one more might be appropriate at this juncture.

Lord Campbell of Pittenweem: The noble Lord would be regarded as a good chap if he were to give way to me, which he declined to do before. I have never said, nor did I say in my remarks, that the European Union was the sole cause of stability in Europe. Of course, NATO played its part. Indeed, I implied that when I referred to the attitudes and policies of Mr Putin. If he is endeavouring to infer that I believe that Europe alone has kept the peace, that is not the case.

Lord Howard of Lympne: The noble Lord did not say so; I entirely agree. However, it is very commonly said—and it is not true.

12.35 pm

Lord Anderson of Ipswich (CB): My Lords, as foreshadowed by its strange nickname—the surrender Bill—this Bill seems fated to be pigeonholed in the public debate as a remainder instrument that would need to be instantly repealed in the event of a Conservative victory at what we must assume to be the forthcoming general election. Of course, it gives some short-term comfort to those, like me, who still believe that our national interest is best served by staying in—but I suggest that this Bill, if passed, may prove to be of assistance even to dedicated leavers, should they soon find themselves with a parliamentary majority. It will save them from the consequences of the impetuous decision to set the date of 31 October in stone. It will do so in particular by allowing desperately needed time for two things the Government say they want: a withdrawal agreement and preparatory legislation.

Let us assume—generously, perhaps—that the Government are sincere in their stated preference for a negotiated Brexit. Their current position appears to be that an election in mid-October could be followed by a few days' frenzied negotiation on the basis of proposals not yet submitted, a deal at the European summit in mid-October, the subsequent ratification of that deal—not only by this House but by the European Parliament—and the passage of a new and no doubt lengthy withdrawal agreement Bill, all by 31 October.

The Bill introduces an element of realism into that equation. It will have no effect if the Government achieve their stated aim of a deal by the European summit. Indeed, as the noble Baroness, Lady Ludford, said, even a subsequent deal will deactivate its requirements, according to Clause 1(5). If the Government do not achieve their aim, the extension that must be requested under the Bill is long enough for negotiations but not for a further referendum. Indeed, Clause 2 proceeds on the assumption that negotiations will progress during that period.

If our fate is to crash out with no deal, legislation will be required, and here too the Bill gives much-needed time. The Government were saying earlier this year that six new Bills were needed before a no-deal Brexit. Five of those Bills are still before Parliament. They will obviously not progress over the next few weeks, and I understand that it may not be possible even to carry over some of them into a new Session. Without those Bills, the Government will not be able—to give a few examples—to establish a trade remedies authority, set fishing quotas or even end free movement, if that is what they wish to do. To the dangers of a no-deal Brexit must be added the hazards of a legal vacuum.

Then there are the 100 Brexit-related statutory instruments that the Brexit Secretary said on 27 June were required before Brexit day. According to today's UK Constitutional Law Association blog, only 27 of those have been laid, and Parliament is about to lose its ability to sift and scrutinise any that may be laid in the weeks to come.

We are all being urged to be ready for Brexit. This Bill is, among other things, an essential part of that process, and it has my support.

Lord Hain (Lab): My Lords—

Lord Wigley (PC): My Lords—

12.38 pm

Lord Cormack: My Lords, I am most grateful to the noble Lords, Lord Hain and Lord Wigley, whom I am very glad to count among my friends.

We should not be here, but we are. A few months ago, a resolution was passed in your Lordships' House to set up a Joint Committee of both Houses, built upon a suggestion I made three years ago, to talk about the problems that this country would face and evaluate the cost of no-deal exit. I greatly regret that that opportunity was missed. Indeed, it was flagrantly ignored by those who had the power to accept it in another place: those who sat on the Government Benches.

[LORD CORMACK]

My noble friend Lord Howard talked about the “good chaps” theory of government. We owe a great deal to a number of good chaps and chappesses who are responsible for this Bill. They are giving us the opportunity of drawing back from the brink. While I agree very much with the general sentiments of the noble Lord, Lord Campbell of Pittenweem, I came to the conclusion that the referendum, having happened and having produced what I consider to be an extremely disappointing and potentially very damaging result, had nevertheless been sanctioned by us and a clear but narrow result was achieved. I wanted to bend my efforts to ensuring that we left in a seemly and proper manner. What we are really talking about today is our continuing relationship with our friends and allies—and they are both—in continental Europe. It would be desperately damaging to our country, as well as to the peace of Europe, if we left in a fractious manner. It is crucial that we maintain our strong friendships. We are part of the continent of Europe; an insular part but a part none the less.

As I have said before in your Lordships’ House, even though I have a Scottish family background, my identity is English and my nationality is British. But my civilisation is European and that is something that we all share, whether we acknowledge it or not. Whether I go across the road to the great abbey, or across the road at home to the great cathedral of Lincoln, I see an embodiment of European civilisation. It is crucial that, in a continent that has been devastated by war far too often, we maintain the closest, friendliest and most co-operative relations with the nations of Europe. If we crash out without a deal, in a spirit of inevitable acrimony—we saw yesterday how that could arise in this very House, among friends and colleagues—then we are renegeing on our joint parliamentary duties, in the other place and in this House.

We owe a great deal to the bravery of the 21. I believe that the vindictive and appalling treatment of them is a blot on our party, which must be expunged as quickly as possible. The very future of our country and our political system is at stake. My noble friend Lord Howell, in his interesting speech, talked about changes. I think of my favourite poet, Tennyson, who said: “The old order changeth, yielding place to new”.

Maybe we will have to look at new political alignments in our country, because if the Conservative Party becomes a rebranded Brexit Party, as Ken Clarke indicated the other day, where is the place for one-nation conservatism? Where is the place for a party that has contributed so much, as other parties have, to our country’s history and present position? If the Conservative Party is led in this direction, and those who have given such notable and distinguished service as Ken Clarke are extinguished from it, maybe we will have to look for a new centre party, embodying what is best in the political system in our country.

The tragedy of British politics today is that we have a Conservative Party being led in a particular manner and a Labour Party that brings shame upon itself and deserves, in the tradition of Attlee, Gaitskell, Wilson and Callaghan, to have a statesman at its head. Whatever one’s views of Mr Corbyn, one can never define him as a statesman. All of us, on both sides of this House, face real problems. We will compound those problems

in a terrible manner if we crash out of the European Union and heap upon ourselves problems that we do not need to heap upon ourselves.

We have missed opportunities. I referred to the failure to take up the suggestion of the Joint Committee. I believe we missed an opportunity in not being more embracing of the deal that my noble friend Lord Callanan, who is just leaving the Chamber, did so much to defend here. I hope that his exit does not indicate a change of mind on it, because the May deal was not even the beginning of the end; it was really the beginning of the beginning, because there is a great deal more work and negotiation to be done, whatever happens. I hope that, because of the deep, visceral divisions in our country, we will give some thought, when the election comes, to having a referendum on the same day. Some may utter notes of dissent, but a good many of my friends who have not been supporters of a second referendum believe that this may well be a way of separating the issues of who people want to govern the country and our place in Europe.

There is a lot to play for but it is crucial in the context of today’s debate that we have a proper and organised exit that maintains relations with countries with which we have had such close relations, in a continent in which we have played such a seminal part through the centuries. From the Spanish Armada to the Napoleonic wars, and beyond to the wars of the last century, this country’s role has been one of which we can be proud. Do not let us descend into an insular status of which our grandchildren would be ashamed.

12.48 pm

Lord Wigley: My Lords, I am delighted to follow the noble Lord, Lord Cormack, who I also consider a friend. I agreed with most of what he said on the European context, as much as I disagreed with the noble Lord, Lord Howard, a few moments ago.

I welcome the comments with which the noble Baroness, Lady Hayter, opened this debate, referring to the context of our times in which this debate takes place. It was 80 years ago this week that the Second World War started. At that time we did not turn our backs on Europe. The existence of the European Union has grown from the desire of people to avoid ever again fighting civil wars on our continent in the way that happened so disastrously twice in the last century. That is the context of what we are debating now.

I am delighted to support the Second Reading of this Bill. I thank the noble Lord, Lord Rooker, for the way he introduced it. My party, Plaid Cymru, played a constructive role in the discussions that took place and led to this Bill, particularly through Liz Saville Roberts MP, our leader in the House of Commons. As a party, we campaigned to remain—and so did I. However, we were willing to seek a compromise because we recognised that Wales and Britain had voted no to Europe. In fact, a White Paper was brought forward jointly by the Welsh Government and Plaid Cymru with a compromise that would have involved a customs union and single market involvement. It could have found a majority across party boundaries in the House of Commons, but it was ruled out by the red lines that Mrs May introduced. I regret very much indeed that that opportunity was missed.

Of course, things have now moved on. We are faced with a very real danger of crashing out of the European Union on a no-deal basis. This would be utterly disastrous in the Irish context, which no doubt the noble Lord, Lord Hain, will talk about in a few moments' time. It would also be disastrous at home in Wales. Take agriculture: in the first week of November, where will our sheep farmers take their sheep when there is no market for them? That it true not just in Wales but in the north of England and Scotland. When we have an unknown trading relationship with the continent into which we are so integrated, how will the manufacturing companies in my part of north Wales, such as Airbus and Toyota, be able to continue trading, given the just-in-time basis on which deliveries take place? The same is true for our universities, the tourism sector and NHS staff. It will be a disaster if we crash out. I support the Second Reading of this Bill in order to systematically and definitively avoid no deal.

Baroness Neville-Rolfe (Con): My Lords—

Baroness Deech (CB): My Lords—

12.52 pm

Lord Hain: My Lords, I do not think the Labour Benches have spoken recently. It is a pleasure to follow my friend, the noble Lord, Lord Wigley, as it was to follow the noble Lord, Lord Cormack, who is indeed a friend as well.

I fear that the new Prime Minister, his advisers and his Ministers are clearly hell-bent on crashing this United Kingdom out of the European Union without a deal. There is a dogmatic, hard-right elite in No. 10. In passing this Bill, Parliament is standing up for the decent majority in this country and against that malevolent elite. This sinister, self-serving, ideologically obsessed, wilfully destructive approach has to be stopped in its tracks. We in your Lordships' House have a chance to do that today in supporting the elected House of Commons.

A salutary measure of the reckless dogmatism of the Brexiteers is that surveys show that two-thirds of Conservative Party members and the same proportion of Leave supporters simply do not care if Brexit means a hard Irish border or Scotland leaving the United Kingdom. For them Brexit is everything, come what may. You might say that, for them, Brexit trumps everything.

With the clock ticking rapidly towards 31 October, the new Government have done precisely nothing in their couple of months in office—deliberately so. Whatever the Prime Minister's disingenuous protestations, he is running down the clock to crash out of the European Union on 31 October unless we stop him.

We simply cannot believe what he says. As Aidan O'Neill QC said of the Prime Minister in submissions to the Court of Session in Edinburgh on behalf of the 77 parliamentarians in the challenge to the Government's arbitrary Prorogation of Parliament:

"You look at the record, you try as best you can to determine the credibility and reliability of what is said against a background of an individual whose personal, professional and political life has been characterised by incontinent mendacity or, to make it plainer, an unwillingness or inability to acknowledge and speak the truth".

I see that the Prime Minister's EU negotiator was back in Brussels again yesterday, again with nothing to say, nothing to offer and nothing to propose—a briefcase full of blank sheets of paper, I suspect, and a waste of taxpayers' money on his Eurostar fare, I would venture. Apparently, this negotiator is an able and experienced diplomat. Having worked with his predecessors, I have no doubt that he is, but his political masters will not let him use those talents and do his job. Instead, the Prime Minister travels to Paris and Berlin—Dublin next Monday, too—then exaggerates or fabricates what exactly happened.

"We're making real progress", claims the Prime Minister. I have checked directly with government contacts in the main capitals and with people in Brussels and that is simply not true. Look at the comments on the record from Paris, Berlin, Brussels and Dublin, and it is crystal clear that not one single proposal has been made. It is also clear that they are not budging. Why would you in any negotiation if the other side has not made any counterproposal at all?

The tragedy is that this is not incompetence. This is not a Government taking their time in the background to prepare a serious, considered new idea. It is deliberate inaction, running down that clock and being gratuitously insulting to our friends in the Irish Republic, hoping to make it to a no-deal exit designed to turn this country upside down and convert it into a free-for-all, deregulated and fundamentally unequal society blissfully disengaged from its neighbours and isolated from the outside world.

Today, we get a chance to make the Prime Minister stop that clock. I do not want Brexit at all and I think the people should have another say in a public vote to stop this madness, but if the choice ends up being between a deal and no deal, we have to stop no deal.

Lord Hayward (Con): Following on from the noble Lord's comments about checking with other European capitals, I did likewise this morning and asked whether any full proposal has been put forward in relation to any aspect of the negotiations. I received the categorical response that no proposals have been put forward.

Lord Hain: My Lords, I thank the noble Lord for that intervention because he is absolutely right and confirms what I was asserting.

Nowhere is the serial dishonesty of the Prime Minister starker than on the Irish border. Do not take it from me; take it from our very own Civil Service, whose work on no-deal planning emerged in mid-August in what was known as Operation Yellowhammer. Its analysis made it crystal clear that, although Ministers keep saying that they will not do so, not putting up border controls will be unsustainable because of,

"economic, legal and biosecurity risks",

and that this could lead to "direct action" and road blockades. I fear that that is an understatement.

Next, there is the Northern Ireland Civil Service, an organisation under considerable pressure because of not just Brexit but the shameful lack of a Government in Belfast. Its top official said bluntly that the impact would be much more severe than in Great Britain and

[LORD HAIN]

would have profound and lasting social and economic consequences, and that the overall consequences for Northern Ireland would be grave.

Worse again—if that is possible—the new chief constable of the Police Service of Northern Ireland warned that Brexit could become a “trigger” and a “fuelling point” to attract more people to extremist groups. His assistant chief constable was reported to have said in an interview that,

“we would be concerned for a six to 12-month time frame there would be some sort of upsurge in support for dissident republican groupings and activities”.

Those are not my words; they are the words of police chiefs. I could go on but, on the basis of just those three assessments by professional public servants, I ask this: why in God’s name would we ever wilfully facilitate these no-deal outcomes? The Prime Minister seems happy to do so, but I am not—and I trust that this House is not happy either.

At the root of the problem is that the Prime Minister and his fellow Brexiteers never have had a proper plan of their own for Brexit. They never put one forward in the referendum, and on the Irish border he still does not have a plan. That is why many of them openly favour no deal: because it is the only alternative if you have no plan.

The truth is that no deal equals a hard border because that is what falling out under World Trade Organization rules means. I am no fan of former Prime Minister May’s withdrawal agreement, but I accept the backstop knowing the complexities of Northern Ireland from my time as Secretary of State. In his reckless, bull-headed fashion, the Prime Minister has made the backstop the villain of the piece, but it is an insurance policy and, if alternative arrangements are found to achieve the same objectives, of the same open border as we have now, then it is set aside. What is wrong with that?

The Prime Minister and many commentators here—and, sadly, some elements in Belfast as well—try to pretend that Northern Ireland is no different from anywhere else: that it is just another border, like, as he famously said, that between two London boroughs and just another straightforward place where trade in goods is the only issue. In fact, the Prime Minister seems to have dumbed this down even further and decided that the only goods traded are animals and food. I thought the intervention of the noble Lord, Lord Patten, was extremely telling. I have great respect for the noble Lord, Lord Howell, but he did not answer his noble friend’s question: there is no other border in the whole world like the Irish border. That is why it needs a particular solution and not a no-deal outcome.

The Prime Minister surely knows deep down that it is not true either that this border is simply about animals and food. It is a 300-mile border with some 300 crossings—those are the formal crossings; leave aside the farms that cross the border and other communities that straddle it—unlike almost every other border in the world. It has unique arrangements under the Good Friday/Belfast agreement for north-south co-operation and that agreement is an international treaty. A little-noticed document published on 7 December by the

Department for Exiting the EU lists no fewer than 157 different areas of cross-border work and co-operation on the island of Ireland, north and south, and many have been facilitated by Ireland’s and the UK’s common membership of the EU. These areas are the things of everyday life; they go well beyond animals and food and must never have a new border erected to block, discourage or thwart them. They include food, tourism, schools, colleges, farming, fighting crime, tackling environmental pollution, water quality and supply, waste management, bus services, train services, cancer care, GPs and prescriptions, blood transfusions and gas and electricity supply.

Almost every one of these areas is about people’s everyday cross-border lives and almost all are linked to the European Union, and Ireland’s and the UK’s common membership of it since 1973—we joined at the same time. To interfere with those arrangements—either through no deal, the terms of any divorce deal or any new trade agreements that we may someday, somehow strike with EU partners—would be a terrible step backwards for which the people of the island of Ireland would pay a terrible price, as would we in Great Britain.

With other Peers, I learned one other thing the other day. With Stormont suspended and unlikely to be resurrected unless Brexit is stopped, if no deal occurred there would be no legal powers left for the Northern Ireland Civil Service to maintain the necessary civil contingency and security arrangements in border communities and beyond. In other words, no deal means direct rule. That is the serious consequence for the island of Ireland of no deal.

I am desperately worried for the future of Britain under no deal, but I am absolutely livid about the impact on the island of Ireland. It will destroy the work of successive UK and Irish Governments in helping courageous and visionary leaders in Northern Ireland to remove borders and instead put them back up. If for no other reason than to maintain peace and progress in Northern Ireland and good relations with the Republic, I urge that this Bill pass without amendment.

1.04 pm

Baroness Deech: My Lords, I want to make two brief points, one of which is directly concerned with the Bill, from which we have been drifting somewhat. The speech by the noble Lord, Lord Hain, made a compelling case for the unification of Ireland—but that may be for another day—and that the effect of terrorism seems to have achieved what the terrorists wanted.

Turning to the Bill, it does not answer the question of what the situation will be if there is still no deal by the end of January. Will the extension be continued? Nothing in the Bill prevents the continuation of extensions, months after months, years after years—nothing at all. It is an eternal Bill, an ongoing loop of requests for extensions. It also does not answer the question of what our response will be if Europe grants an extension but subject to conditions. I am sure they will be tempted to add conditions to do with extra payments, losing votes, residence, immigration, tax and so on. There is no answer in the Bill at all.

The only bright thing I see in this Bill, which I regard otherwise as a moment of great national humiliation, is called the Kinnock amendment. I have not seen it in the Bill, but I have read that, somehow, an amendment put in by the MP Stephen Kinnock would allow Mrs May's withdrawal agreement to return. I would put money on that agreement coming back, sooner or later, maybe with a tweak or two. In a fit, either of exhaustion or realism, that Bill will go through. It may be that history will say that there was a woman, St Theresa of Maidenhead, who laid down her political life to achieve an agreement. If that happens, much of the last three years will have been wasted. I am not the only one putting money on it coming back, as it may be the only solution.

The right reverend Prelate raised the notion of vision. People often talk about the vision of Britain after Brexit. I ask what the European vision is. If this had been put before the public three years ago, the outcome might have been different. I have been looking for a European vision for more than 25 years, since I decided that I did not want any part of it. The only answer has ever been more union, more Europe, marching on. Foreign policy has been raised. It has made us weaker. What is the European attitude towards Iran, Russia, China or the Middle East? We get division, hesitation and some countries that are beholden to Russia, one way or another, because of gas or their former existence under the Soviet shadow.

Lord Hannay of Chiswick: The noble Baroness asked some questions about the European attitude. The European attitude towards Iran is clear: it wishes to sustain the joint agreement, which stops Iran developing nuclear weapons, and to ease sanctions on Iran. Its position on Russia is clear: it intends to maintain sanctions against Russia, because of its interference in Ukraine and seizure of Crimea. The attitude towards China is clear: the European Union believes that many Chinese trade practices are wrong and need to change. On the Middle East, it is clear that we have supported a two-state solution ever since the noble Lord, Lord Carrington, persuaded the European Union to take it up in 1980. Is that enough?

Baroness Deech: The account of the noble Lord, Lord Hannay, expresses exactly the failure to which I refer. Not one of these so-called attitudes has paid off, in the least. Our foreign policy, on our own, has been and will in the future be much more successful.

Noble Lords: Oh!

Baroness Deech: There was genocide in Kosovo and nothing was done by Europe. Crimea was taken over and nothing was done by Europe. Europe is not paying its subventions to NATO.

Then we look further into Europe, which is much vaunted for its human rights. In Catalonia, strivers for independence are in prison. Poland lacks judicial independence and freedom of speech and refuses to take any except Christian migrants. Italy is chaotic. Greece has been driven into poverty, and there is youth unemployment in Spain and Portugal. In Germany and many other countries, the right wing is on the rise.

In France, the gilets jaunes are an expression of a much deeper malaise. French security is an oxymoron, as is Belgian intelligence. I will be happy for *Hansard* to record my deep fears about the future of the European Union because empires—it was a Franco-German empire and is now just a German empire—end like this, with too much power in the middle and too much unhappiness on the periphery, and the push-back gives rise to the extremism which we see rising around Europe and which is lapping at our ankles now.

On that count, I think that our membership cannot but be something of a record of failure to stem what has happened in Europe. I wish the other 27 well in future, but if I were a citizen of one of the countries I have just mentioned, I would feel very fearful for my future welfare. I hope that we can get some answers from the Benches opposite about what the Bill will do to prevent the eternal burden of membership of the European Union.

1.11 pm

Baroness Neville-Rolfe: My Lords—

Lord Mandelson (Lab): My Lords, I must say I am slightly lost for words and do not know quite what to say in—.

Baroness Neville-Rolfe: My Lords—

Lord Mandelson: I think it is the turn of this side, but there is plenty of time.

Baroness Neville-Rolfe: My Lords, as a woman I find it very difficult to get in in these sorts of debate, but I rise to speak on the European Union (Withdrawal) (No. 6) Bill and to contribute to the scrutiny. I am delighted to follow the noble Baroness, Lady Deech. We should thank her for the excellent speech she made yesterday which helped us to move forward and to be here today to scrutinise the No. 6 Bill. I am also grateful for the midnight peace talks admirably led by the new Chief Whip. Thanks to him, we all had some beauty sleep.

My amendments were not reached yesterday, but I was horrified by the way the procedures of our House were being perverted. I knew a plot was afoot because on Tuesday I walked into the Moses Room by mistake. I was too well-behaved to eavesdrop or to tweet what was going on—I have a good convent education to thank for that. Scrutiny is at the heart of the work of this House, as I think we agreed yesterday. Today's debate and tomorrow's Committee and Report stages give us an opportunity to go through this Bill line by line, which is what I hope we will be able to do.

I believe there is growing evidence of the negative impact of Brexit on the economy and society. I am in business, and uncertainty has been rising. It is extremely difficult for all involved. Noble Lords will know that I am a remainer and have worked for most of my career on EU matters. However, I share the view of growing numbers of people in this country that we must get on

[BARONESS NEVILLE-ROLFE] with Brexit. Months, or even years, of delay to Brexit day, which I think this Bill accommodates, will make matters worse, not better. We cannot have another three years of going round in circles. I think that is a risk. We need an agreement.

However, as I have said on a number of occasions in this House, from my long experience in Brussels, we have to keep open the option of no deal; otherwise our negotiating position in the Brexit negotiations is undermined. Indeed, on the matter of no deal, I was glad to hear from the right reverend Prelate the Bishop of Leeds, who asked us to look critically at the actual impact of no deal. I took some comfort from the Statement earlier this week by my noble friend Lord Callanan, and I know that the Chancellor of the Duchy of Lancaster is heading up no-deal contingency planning with enormous drive and professionalism. I think the pace of transformation is at a completely different scale and rate from what we saw under the May premiership. That is just in case we cannot come up with the agreement that we want.

Lord Krebs: On the matter of the Chancellor of the Duchy of Lancaster, he said on “The Andrew Marr Show” on Sunday morning that there would be no shortages of fresh food, but the British Retail Consortium, with which the noble Baroness will be very familiar from her work with one of our major food retailers, immediately said that that was categorically untrue. Does she accept what the Chancellor of the Duchy is saying, or does she accept that the trade association for the business in which she used to work knows what it is talking about?

Baroness Neville-Rolfe: I know what I know and I know what I do not know, and I know that the Chancellor of the Duchy of Lancaster is pushing things forward with an enormous amount of energy. No doubt after that exchange he will have been straight on to Defra, or whoever is responsible for these things, to talk further about the arrangements. Clearly, there are going to be problems from Brexit, whether with a deal or with no deal, and of course I know that food is a particularly difficult area. However, I am saying that we need to have proper management across the board, and I think we are seeing signs of that.

You have to look at both sides of the argument, but this debate has been very one-sided so far. I am interested in talking about the Bill rather than wider polemics or history, which I can help the House with less. My current inclination is to oppose the Bill and vote against it if I have the opportunity.

That brings me on to my questions, and I hope the noble Lords opposite—I see that the noble Lord, Lord Rooker, is in his place—will be able to help me with a more detailed justification of the Bill’s provisions so that there will be more explanation and fewer polemics in the debate. The Bill as it stands—and I have read it—appears to force the Prime Minister’s hand. It seems that he would have to accept almost any deal that the EU offered up. I am also concerned that the Bill gives the EU too much power over timing. Clauses 3(1) to (3) seem to tie the Prime Minister’s hands quite tightly. I am not sure what Clause 3(4) does and whether it moderates any risk.

I am keen to assist with the scrutiny of the Bill, but I fear that we may come to regret some of its provisions, especially if we do not look very carefully at something that was pushed through at great speed under the guillotine culture of the other place, which we discussed yesterday. We need to find the right result for our economy and our people and to end this cloud of uncertainty that is a real problem for the country. I hope I am wrong and that this will help us, but I remain extremely unsure.

1.17 pm

Lord Mandelson: My Lords, it is a pleasure to follow the noble Baroness, with whom I have seen eye to eye on almost all business questions—certainly the majority of them—in the past.

Before I comment briefly on the Bill itself, I shall make two preliminary remarks. The first is that, as a former Northern Ireland Secretary, I strongly endorse the remarks and arguments made by my noble friend Lord Hain. He was not indulging in hyperbole. This is reality; it is real-life politics in Northern Ireland. There is an enormous amount at stake and any of us would be very ill-advised if, for the sake of boredom with the subject, including the backstop, we were simply to pass over what he has said. There are genuine risks involved in relation to peace in Northern Ireland.

Secondly, I will comment on the intervention of the noble Lord, Lord Hayward. From the discussions I have had in national capitals and in Brussels, I can confirm that he is absolutely right that no proposals have been made by the British Government that are negotiable and would lead to a deal being concluded in October, November, December or any other month. However, certain ideas are being canvassed which concern the sectoral coverage of the backstop, its possible duration and the conditions surrounding both those aspects of it. The reason in my view that they have not been tabled is that a judgment has already been made that they will be unacceptable to those with whom we are going to negotiate. They involve a compromising and an undermining of the backstop which would negate its purpose and effect.

Therefore, the chances of what is being considered in Whitehall and was taken to Brussels by David Frost—who is a credible interlocutor and diplomat representing the British Government—being accepted in Brussels are hovering on zero. That is why we cannot take at face value the Prime Minister’s statement that he is negotiating in good faith. I do not believe that he wants to negotiate a deal. I think he would like to present, as it were, a fait accompli—something that he would ideally like to see—but not to negotiate. That is simply not going to happen.

I support the Bill for one reason, which is that crashing out of the European Union on 31 October without a deal would be, to put it mildly, highly sub-optimal for our country. It would prevent us from securing the continuity of our enforceable trade rights in what is our biggest export market in the world; it would prevent us from securing the continuity for many businesses operating in the European market of their enforceable business contracts. There are a host—a waterfront—of pacts, agreements and laws that underpin our commercial and related relationships with the

European Union that have been built up over half a century, all of which we would be unable to guarantee the continuity of from the stroke of midnight on leaving the European Union without a deal.

I am not saying that aircraft would fall out of the sky or that many of these agreements would simply disappear and dematerialise before our eyes. However, over time they would come to be contested. There would be people, for a variety of reasons, wanting to pull threads and then pull a rug from underneath a variety of these pacts and agreements. If we were to leave without securing their continuity, we would create the risk of huge damage and jeopardy to our commercial relations, and therefore to our economy and to the jobs, livelihoods and investments of hundreds of thousands of people in Britain.

It would also do something else: it would destroy what lingering goodwill exists in Europe towards us. If we were to crash out and leave in such a disorderly way, it would inflict great damage not only on our own country but on all member states of the European Union. Such an act would make their willingness and our ability to negotiate a future free trade agreement between ourselves and the European Union infinitely harder to achieve. For that reason also, we should avoid crashing out without a deal.

Lord Howell of Guildford: I am listening to the enormous expertise of the noble Lord and indeed I am in considerable agreement, particularly about the crash-out, which in a way I am rather happy this Bill possibly postpones and possibly avoids. I am listening also to the great expertise of the noble Lord, Lord Hain. But are they both quite sure that the enormous amount of work that has been done on volumes such as the one that I have here on alternative arrangements in the unique circumstances of Northern Ireland, which is quite unlike any other border in the world, are non-starters before they are even discussed in Brussels? Is he quite sure that all the proposals for special regions, trusted traders and new arrangements for all-Ireland animal livestock and so on can be thrown out of the window before we even start? I am not so sure myself.

Lord Mandelson: Nor am I. I am not so sure that we should just push them all to one side as though they have absolutely no potential whatever. That is not my view. My view is that they are not realisable in the foreseeable future and that, in the meantime, we would put the Good Friday agreement and the peace process in Northern Ireland in great jeopardy in a way that would be unjustified and unforgivable. There is a very interesting discussion to be had about the future. It depends on certain modalities, technology and related approaches that have potential—I fully accept that—but they are not for now; in my view, they are for the future.

There is not only the obvious economic, business and commercial argument to be had concerning people's jobs and livelihoods that are at stake; in my view, there is also a very strong democratic argument to which we should attach great importance in our consideration of this Bill. Quite simply, it is that there was no mandate from the 2016 referendum for a no-deal Brexit. I know that people will say that it was not explicitly ruled out,

but to all intents and purposes it was ruled out by the fact that nobody referred to it, nobody explained it, nobody justified it and nobody set out the arguments for it. Not one of the advocates of the leave campaign ever entertained the idea that this would be the outcome of our leaving the European Union.

Such a possibility was almost literally airbrushed out of the picture by the promises that were made by the advocates of the leave campaign—that getting a deal would be “the easiest in history”. Plus, there was a later guarantee—I remember that “guarantee” was the word used by No. 10 in repeating what the then Brexit Secretary, David Davis, had said. The precise words used were that we would have the “exact same trade benefits” after we left the European Union. Not only has that promise of the easiest trade deal in history turned out to be wrong and unfulfillable but the exact same trade benefits will, as we know, be nothing of the kind. They cannot be anything of the kind. We will sustain frictionless trade that is exactly the same as the trade benefits that we have at the moment only if, at the very least, we stay in a customs union with the European Union and fully in the single market. That is the only way in which those promises that were made—that guarantee put forward by No. 10—could possibly be redeemed, yet it is firmly, consistently and explicitly excluded by the Government.

Baroness Deech: I have a point of order about the non-envisioning of a no deal. Of course it was not raised at the time. First, Article 50 mandates that the EU shall negotiate a treaty, which it has failed to do. Secondly, it was never envisaged that the remainers would fight this all the way along for several years. Thirdly, the agreement that we talked about in a broad sense and was mentioned at the time was to do with trade. The actual withdrawal agreement, when we get to it, is about much more than trade. In that sense, it is perfectly understandable that there was no explicit discussion of no deal.

Lord Mandelson: I do not remember any of those intricacies, highways and byways being set out by anyone at the time or since—but, of course, the House will be interested in what the noble Baroness has to say.

The fact that any possibility of maintaining frictionless trade has been explicitly excluded by the Government is extremely serious for the manufacturing sector in this country and the long-term health of our economy. I do not see and cannot understand how, given the nature of just-in-time, sophisticated manufacturing supply chains and the way in which they operate between the UK and the continent, it will be possible for Japanese car companies or Airbus or any significant manufacturing enterprise to sustain production in Britain in the medium term.

That does not mean to say that they are all going to pull stumps, shut the doors and pull the shutters down and leave the day after tomorrow. Of course they are not, and any sense that they might is an absurd piece of hyperbole. However, over time—by which I mean between five and 10 years and probably on the shorter end of that spectrum—these great manufacturing companies are going to have to make new arrangements.

[LORD MANDELSON]

They are going to have to move production in a way that enables them to secure continuity of their supply chains and the frictionless trade that they will no longer have when sustaining production in this country.

Let us not go back over all the customs union and single market arguments. I do not know what has happened to the Kinnock amendment and his and his colleagues' advocacy of Norway. All I would say is that it would appear that there is no political possibility of those options being reintroduced or attracting and sustaining a majority, certainly in the other House. Let us acknowledge that they would in any case raise issues of regulatory dependence by this country on the European Union, while having no say in the making of those regulations.

I do not dismiss that. Having been on both sides of this as a UK Business Secretary and a member of the European Commission, I take rather seriously the idea that we in this country would simply be on the receiving end of laws and regulations made in Brussels over which we would have been able to express no view. There are real issues involved here and I acknowledge them.

In conclusion, the central point—and the right reverend Prelate the Bishop of Leeds made it earlier—is that the referendum in 2016 was an in/out one. It was an in-principle referendum. It was not about the how and the terms on which we would leave the European Union. No hint of those terms was spelled out between a soft and a hard Brexit, and of course there was absolutely no indication of leaving without a deal at all.

So now, as we find ourselves, at the behest of the new Prime Minister, hurtling towards a no-deal exit, I believe that the Government should accept that this really cannot and should not happen without the express approval either of Parliament or the public. I will wind up, if I may—it is nice to see the Government Front Bench intervening in a debate at long last. Here is my further point in conclusion. I do not believe that the express approval of the British public for how we leave the European Union can possibly be expressed by means of a general election.

Lord Framlingham: The noble Lord is maintaining that there is no debate about what would happen after the referendum. Does he not recall that the leave people made lots of forecasts—some of which have not happened—and that the Government spent a fortune sending leaflets to every household in the country, warning about all the problems in great detail? There was a huge amount of debate at the time of the referendum. It was not simply in or out and nothing else.

Lord Mandelson: Perhaps my recollection is at fault, but I do not remember a huge amount of debate about the respective merits of a soft and hard Brexit, let alone a no-deal Brexit.

In conclusion, I do not think that you can arrive at a clear choice about how we leave the European Union by means of a general election in which so many issues, subjects and personalities are at play. We should look to a clear-choice referendum where the options

are properly explained and a full debate is had. The public can give their final say one way or the other about how—and, if the how on offer is unsatisfactory, if—we eventually leave the European Union.

It may be that the Government want one of these options to be a no deal. If so, it is up to the Government to put forward a no-deal option in a clear, final-say referendum. If they want to do that, so be it. If they have exhausted all the alternative negotiating possibilities, let that be put fairly and squarely to the public in a referendum. It must be a clear alternative—a clear choice—that the public are asked to make. Without it, I am afraid we are never going to find a way of resolving what is a most acute conundrum.

1.37 pm

Lord Brown of Eaton-under-Heywood (CB): My Lords, somebody died this week who was a prominent northern circuit silk—a Queen's Counsel—in my years in the law. He was known throughout the profession as the Alka-Seltzer because he settled everything. It was of great credit to him and brought him great repute. It is a pity that there are not more Alka-Seltzers in both Houses of Parliament today.

I speak as a remainder who has long been reconciled to having to leave. I strongly and consistently supported the May deal over recent months. One of its merits was that it satisfied no one. There would be no winners, and only when there are no winners are there no outright losers who will continue to bedevil relations in this country.

I am no supporter of the Prime Minister, nor of his team. I am against Prorogation. I am against crashing out without a deal. I am against the narrowing down of the basis of the Tory party and almost everything else. However, I cannot support this Bill. It is truly remarkable—an Opposition Bill; a curiosity which raises one's suspicions from the outset. It is designed and calculated to have these twin consequences. First, it immediately tells the EU 27 that, if they do not now offer a more acceptable deal than the May deal, instead of the no-deal Brexit—the Prime Minister's intended consequence which the EU 27 must, heaven knows, in logic be desperate to avoid—they can rest immediately secure in the knowledge that, without an acceptable deal, we will instead remain for at least three months, and who knows on what recurring basis into the future, on whatever terms they choose to impose.

The second twin consequence is that, in the event that there is no deal by 19 October, which is logically more likely because of the weakening of the negotiating position—the first consequence I mentioned—the Bill compels the Prime Minister of this country to go to Brussels, cap in hand, no doubt with Dominic Cummings to heel, in order not merely to seek but to obtain and secure a further extension of what has already been twice extended, on whatever terms the 27 choose to impose this time.

Ordinarily, of course, one normally simply accepts a majority decision of the House of Commons. This House has its very limited scrutiny and revision role. It plays ping-pong, a misnomer if ever there was one. In the game of ping-pong, you are allowed to return service, but that is it. If the server then comes back at

you, you are, just occasionally, allowed one more shot. At that stage, your opponent—and he is an opponent—is entitled to win.

In my respectful submission, I seriously question why the usual convention should apply in the particular circumstances of this case, when those promoting this Bill are at one and the same time intent on compelling the deep abasement of our sitting Prime Minister and yet refusing the Government the opportunity by general election to reinforce its right to govern, which we generally take for granted. It seems pretty difficult to me to suggest that the promoters of this Bill are obviously faithfully fulfilling the clear will and mandate of the electorate. The country really wants an end to this. Bring on the Alka-Seltzers to achieve it—by adopting, with some sensible modification, if necessary, the May solution.

1.42 pm

Lord Patten of Barnes: My Lords, I had not meant to intervene in this debate—and that is true. Having sat through much of the night, benefiting from the wisdom of my noble friends Lord True and Lord Dobbs while envying my noble friend Lord Forsyth—by then in his sleeper on the way to Scotland as the rest of us dealt with the filibustering that he had launched with his usual panache—I thought that I had probably had enough of all of this. However, one of the dangers of coming in and listening to a debate is that one is provoked into wanting to make one or two contributions. This is particularly the case whenever I listen to my noble friend Lord Howard. I can honestly say that, while I have disagreed with him on many subjects over the years, I have never doubted that he was anything other than a good chap.

I will come back to good chaps in a moment. There were two points I wanted to make as prequels to three points—which I will cover very briefly because they have been dealt with admirably by the noble Lords, Lord Hain and Lord Mandelson.

I want to endorse what was said earlier about the departure from the Government of the Higher Education and Science Minister, Jo Johnson. I will not make the obvious points about Johnsons and one's preference. However, Jo Johnson was at my university, where I am now a chancellor. I did not always agree with the legislation he brought forward on higher education in the last Session, but he was an outstandingly good and conscientious Higher Education Minister, as well as very intelligent. He is a real loss to the Administration, and I hope he is not a loss to public service for family reasons. He is a very good man.

Secondly, I want to identify myself with the remarks made by my noble friend Lord Cormack earlier about the treatment of some of our former, present colleagues. I am sure it was inadvertence which meant that my noble friend Lord Howard did not refer to them either. We were both colleagues of theirs in government. I am sure he shares my high view of their public integrity and public service. My noble friend has known one or two of them even longer than I have—he was at Cambridge with them. I am surprised that we did not hear about the appalling and hypocritical way in which they have been treated. I hope that will be undone as rapidly as possible; it was not Mr Cummings's or Mr Johnson's finest hour.

I shall briefly make three points, which have been touched on in particular by the noble Lord, Lord Mandelson. The first is on the trade negotiations. We have been told again and again that the reason this Bill is so suspect is that it cuts the Prime Minister off at the knees in the negotiations over our future relationship with the European Union but, as my noble friend Lord Hayward pointed out, the question is: what negotiations? There is no rustling in the shrubbery. You ask the President of the Council, the President of the Commission, the President of the French Republic, the Chancellor of Germany and the Taoiseach about the proposals that justify our Prime Minister in his observation that things are going well and the Government are putting forward all sorts of bright ideas, but there is no reply. It would be nice to hear from the Front Bench later this evening what the state of play is in these negotiations and what we are proposing—presumably somebody knows. Maybe we should just take it from Mr Cummings, the éminence grise in the regime—maybe one should call him the éminence—who has brought a new approach to personnel management at No. 10, that all this is a sham. But if it is a sham, that is all the more reason for having this legislation in place. If it is not a sham and we are making terrific progress, it seems very likely that we need rather more time to complete the progress, hence one of the advantages in a reply to a question posed earlier, and hence the advantage of a few more months being built in, if absolutely necessary.

The second point, related to that, is touched on by the “good chaps” theory, which, to be operable, needs a sense that the people you are dealing with are good chaps. One thing we know, and which underpins some of the discussions about when there should next be an election, is that there is a strong sense and suspicion—I put the point no more firmly than this, but I use a word used by my right honourable friend Kenneth Clarke—of the disingenuousness of the Prime Minister. Maybe there are those who are not absolutely sure that he and the people who surround him are good chaps. We know that eight of them voted again and again as bad chaps against the proposals that the last Prime Minister brought forward. One reason we have had this long period of delay is the activities—the high productivity rates—of the ERG during the negotiations so far.

There is another aspect of the “good chaps” thesis of the noble Lord, Lord Hennessy, which needs touching on. I thought my noble friend Lord Howard was rather curious in the division he drew between the Executive and the legislature in international affairs and international negotiations. I, like him, was a Secretary of State for the Environment. I used to go to international negotiations on the environment with the reports of Select Committees and with legislation from the House of Commons determining what I should try to do about ozone-depleting substances, or water or air quality. When I was a Development Minister, I had to operate within the terms that the House of Commons had agreed on the proportion of our GDP to be spent on overseas development. I had to comply with what the OECD said about that as well. When I was a colonial despot, I had to implement what Parliament had decided about the joint declaration and the terms

[LORD PATTEN OF BARNES]

within which Britain should exercise its stewardship in our last colonial dependency. So do not tell me that there is an absolute division between what Executives can do abroad and what the legislature has a right to determine.

My final point is about Northern Ireland. I shall not repeat the points made very well by the noble Lords, Lord Hain and Lord Mandelson, nor shall I repeat what I have said on other occasions in this House about the Northern Ireland border. It is a sign of the beginning of dementia when you start quoting your own speeches. However, in the second speech I made on the withdrawal Bill, I said that one of only two interventions made by the last Prime Minister during the referendum campaign was about the appalling difficulties of managing the border if we leave the European Union, which was true. Two points have regularly been made about the border. First, there are terrible difficulties as soon as you leave the single market for the customs union. Some of us posed a question to the intellectually sprightly Lord, my noble friend Lord Howell, about where else in the world one could find two countries side by side with different tax regimes and different customs unions that do not have a border, and the answer is that there are none. There are ways of making it easier to deal with a border, but when you have different customs unions and different tax arrangements side by side, there is no way that you cannot have a border. The problem with that in Northern Ireland is very simple.

Lord Howell of Guildford: There are different arrangements either side of the border; there have been for years. The VAT is different, the currencies are different, there are all sorts of differences, and many similarities. You cannot just brush these things aside with generalities.

Lord Patten of Barnes: The point I continually make is that absolutely everywhere, whether it is in Switzerland and France, Norway and Sweden or the United States and Canada, if one is in a different customs union from one's neighbour, there is a hard border.

Lord Howard of Lympne: I am most grateful to my noble friend for giving way. I would be very interested to know how he reconciles what he has just said with the fact that when, for a few weeks earlier in the year, it looked as though we might be leaving the European Union without an agreement, the Government said that they had no intention of putting up a hard border on the island of Ireland, and Mr Varadkar, Mr Barnier and Mr Juncker also said that they had no intention of putting up a hard border on the Republic side of the border. If no one intended to put up a hard border in the event of no deal, there must be a way through.

Lord Patten of Barnes: My noble friend knows perfectly well that under WTO rules, and for other reasons as well, if the Republic of Ireland is in a separate customs union from Great Britain, there has to be a border. It is a WTO rule. There is a border and traffic is stopped there.

There is a point that resonates even more than the economic argument, which is the question of security. I am sorry to personalise this, but a lot of our knowledge—and our prejudices, perhaps—in politics come from our personal experiences. The first time I saw dead bodies, apart from those of my parents, was near the Newry customs post in Northern Ireland, where I saw part of a leg on top of a rhododendron bush. We know perfectly well that if we do not get this right, there is a danger of people being killed—not just of businesses being destroyed or communities being devastated, but of people dying. If people do not believe that, they should read what is said again and again by the Police Service of Northern Ireland and the Garda Síochána.

These are terribly important issues and I just hope that we will bear in mind these facts, as well as the questions of economics and trade, when we are determining the relationships between Northern Ireland and the Republic of Ireland and between the United Kingdom and the Republic of Ireland, which many people still seem to treat as though we have viceregal authority over it. These are great friends of ours and we should treat them rather better than we do.

1.55 pm

Baroness Smith of Newnham (LD): My Lords, like the noble Lord, Lord Patten of Barnes, I had not intended to speak today, in particular because I spent so many hours yesterday voting on a variety of closure Motions and amendments that appeared, I thought, somewhat unnecessary. The whole procedure contributed to the sense that it was not Parliament's finest hour—a strange position to be in when, surely, the whole purpose of the vote to leave the European Union was for the United Kingdom to take back control. We do not seem to be doing a very good job of that.

Like the noble Baroness, Lady Deech, I have at various points felt that we are in the heart of a great national humiliation. However, I suspect my reasons for thinking it is a national humiliation and those of the noble Baroness are a little different. I have spent a lot of time talking to colleagues in other European Union countries and every conversation includes: "We're so sorry about Brexit", "What on earth is happening in the United Kingdom?" and "How did you get to the point of capitulation?" The word "capitulation" came back in December when the then Prime Minister had negotiated her withdrawal agreement. The EU 27 spent months wanting to know what David Cameron wanted in his renegotiation, they spent months wanting to know what Theresa May wanted in her negotiation, and they are now spending time asking what the United Kingdom wants, if it wants to change something.

We were given a six-month extension and told not to waste it. What have we done? Most ordinary people in the United Kingdom have not had the opportunity to do anything at all on Brexit since 29 March. Unless one was a member of the Conservative Party, there was no opportunity to vote for a new leader of that party and no opportunity to vote for who the new Prime Minister would be. Everything has changed since the extension was announced, yet in some ways nothing has changed. The United Kingdom has been unable to agree on the withdrawal agreement. We have

heard already today calls from some who oppose the Bill that the European Union needs to make an agreement. The EU 27 made clear before Article 50 was triggered what their position was. They have remained united ever since the United Kingdom triggered Article 50. The problem is that the United Kingdom is as divided today as it was on 23 June 2016, if not more divided.

We have had the general election that the noble Lord, Lord Howard of Lympne, called for. He said that we need a general election. We had a referendum in 2016, the date that some people seem to suggest democracy stopped—the date that we should always have frozen in aspic as the date when the people spoke. A year later, we had a general election. The composition of the House of Commons today is the result of that election in 2017—an election called by Theresa May to enhance her mandate for the sort of Brexit that she thought she wanted. That did not go very well.

We heard earlier from the noble and learned Lord, Lord Brown of Eaton-under-Heywood, that there was a problem—that we need to deal with Brexit, that this peculiarity of a Bill coming from the Opposition seems quite wrong, and that we should listen to the Government. But the Government have no majority, even with the DUP's confidence and supply agreement, which seems to be more absent than present. On the day after the Summer Recess, the departure of Phillip Lee ensured that the Prime Minister lost his majority, and taking the Whip away from 21 of his colleagues ensured that it has no hope of a majority.

This country has been ripped apart by the referendum. David Cameron said that he wanted to stop his party obsessing about Europe, but what we have seen is his own party ripped apart. The noble Lord, Lord Cormack, who I am sorry is not in his place, talked eloquently about those colleagues who have been lost to the Conservative Party. The noble Lord, Lord Patten, spoke similarly. Despite being a Liberal Democrat, I have friends on the Conservative Benches. I feel personally the loss of committed parliamentarians who feel that they can no longer sit in the House of Commons because of what has happened over Brexit.

This is a national humiliation and to allow the Prime Minister to take us out of the European Union on 31 October without a deal would be a travesty of democracy, because democracy did not stop on 23 June 2016. We have had a general election since then. We need another general election. Everyone can agree on that. But we cannot agree that a general election should be called before there is some guarantee that we will have an ongoing relationship with the European Union with some sort of withdrawal arrangement. That is what the proposed Bill offers.

The Bill does not say that the Prime Minister has to have a withdrawal agreement: it allows for the House of Commons by a Motion to say that we will leave without a deal. What it does not allow is for the Prime Minister to think that he is some sort of unelected dictator. We still live in a democracy. The Government do not have a majority in the House of Commons and if the House of Commons wishes to vote against the Government and say that we need a deal, so be it.

If and when we get agreement on ensuring that the United Kingdom does not crash out of the EU, that is the time for a general election. Perhaps the Ministers and the noble Lord, Lord Rooker, when they come to respond, will consider the proposal by the noble Lord, Lord Cormack. If we need to allow the people to have a say on how we leave the European Union, as the noble Lord, Lord Mandelson, said, a general election is not the way to do it. How about a simultaneous referendum, so that the general election can do what a general election is meant to do and help us form a Government, and a referendum would allow the people to have a final say? I am no fan of referendums, but ultimately, what the people decided only the people can ratify.

2.04 pm

Lord Hannay of Chiswick: My Lords, I support the Bill, which is extremely necessary, timely and rather skilfully drafted. I shall not dwell long on the rather dispiriting debates we had yesterday. I note that when you are making sweet white wine, it is usual to leave the grapes on the vine until they have been attacked by something called noble rot. Well, there was quite a lot of noble rot around in this House last night.

I will look, rather, to the future, I want to address one of the central planks of the Government's belief: that they need to be able to leave without a deal as a negotiating tool. It is something the Prime Minister has said again and again. Most recently he spoke about the Bill as cutting him off at the knees. The trouble with this thesis is that it is not supported by any evidence. There is not a scintilla of evidence that the Prime Minister or his predecessor made any progress at all by threatening to leave without a deal. After all, the previous Prime Minister coined that dreadful phrase "No deal is better than a bad deal" at Lancaster House more than two and a half years ago, and if the European Union 27 really are quaking in their shoes about such an event, we might have seen a bit of quaking by now. We have not seen such quaking, so I think this whole approach—using no deal as a lever—is completely unfounded and false. It does not work. Frankly, we should stop kidding ourselves, on the government side at least, that this is "open sesame" in Brussels. It is not.

The other point, raised by the noble Lord, Lord Cormack, and one or two others, is that we still do not have a clear picture of the costs and implications of leaving without a deal. This House made a perfectly imaginative proposal to the other place in July, which was ignored and treated with contumely, but would have meant that by the end of September we would have had a joint parliamentary inquiry which could have taken evidence not from people who are *parti pris*, as many speakers in this House are—I admit I am one—but from organisations such as the Institute for Fiscal Studies, the budgetary responsibility people, the CBI, the TUC and others. Out of that we could have had, by the end of September, a really clear picture of what was entailed. Do we have a clear picture? No. The Chancellor of the Exchequer, asked on the radio this morning how much it would cost, did not know. This is why it is essential that this piece of legislation means that when decisions have to be taken, in late October, we actually have some control over it.

[LORD HANNAY OF CHISWICK]

My third point has been alluded to by many other speakers and concerns our British union. I am the son of a Scottish father and was brought up for quite a bit of time in Scotland. I am a unionist through and through and if anyone tells me that crashing out without a deal is not going to damage the stability and continuity of that union, in Scotland, Wales and above all in Northern Ireland, frankly they lack all credibility. The Bill is necessary. It was made the more necessary by the decision to prorogue. I will not go on at great length about that. Of course the Government have the right to recommend Prorogation to Her Majesty, but the underhand way this was done and the perfectly obvious intention to deprive Parliament of quite a few sitting days in which it could have considered these matters has triggered and emphasised the need for this piece of legislation.

2.09 pm

Lord Bridges of Headley (Con): My Lords, I will speak very briefly. I will not talk about European history, nor start psychoanalysing the Conservative Party. I will leave that to others. I will talk briefly about the Bill, because that is what is before us.

As many noble Lords may know, I voted to remain. Our side lost but I have always believed that we need to honour the result of the referendum and leave the European Union. There are clearly only two ways in which we can do that: with a deal or without one. We here and in the other place have spent the best part of a year trying to reach a parliamentary consensus around a deal. Compromise has been tried. I have argued for compromise many times, and some have attacked me for doing so. It has failed conclusively.

As the noble Lord, Lord Mandelson, and others have said, there is no parliamentary majority, as we all know, for the withdrawal agreement, for the UK to remain in the customs union or the European Economic Area, or to hold a second referendum. The only approach that might command the support of the majority is to renegotiate the Irish backstop, which we have had a considerable ding-dong about today and which I do not want to get into. However—here I entirely concur with the noble Lord, Lord Mandelson—there seems absolutely no chance that the European Union will start changing its position on that right now, and it will certainly not succumb to the demand to take that out of the withdrawal agreement entirely. If you believe that there is a democratic imperative to leave, and there is no parliamentary majority to leave with a deal, that clearly leaves only one option: leaving without a deal.

That brings us to this Bill. As the noble Baroness, Lady Ludford, and others have made clear, and as the noble Lord, Lord Rooker, said when introducing the Bill, its purpose is clear enough: to extend the negotiations and avoid our crashing out without a deal. However, this leads to a whole series of questions, which, to be honest, although we have had an interesting debate about the future of Europe, we have not got to the bottom of, and some of which my noble friend Lord Howard, the noble Baroness, Lady Deech, and the noble and learned Lord, Lord Brown of Eaton-under-Heywood, have touched on.

The core question is this: if this Bill were passed—and it seems clear that it will be—and Brexit were to be delayed yet again and the negotiations go on beyond 31 October, what precisely will the UK be negotiating for? What is the negotiating mandate? We know that there is no majority in the other place for any other approach. I have just said this; the noble Lord, Lord Mandelson, said it. We have spent years trying to reach this consensus, so what is this negotiating mandate? I have yet to hear the answer. I know that it is not necessarily for the noble Baroness, Lady Ludford, to say, but perhaps someone can tell me. I do not know what it is, and even with the amendment in the name of Mr Stephen Kinnock it seems completely unclear.

This brings me on to a second point. Again, I may be a bear of very little brain and someone may be able to answer this, but who will be doing the negotiating? We can debate all we like what it says in the Bill, but Mr Johnson has said that he will not go to Brussels. So who will be leading the negotiating team there? Will it be Mr Jeremy Corbyn? The Speaker? Someone else? Who will create this? It is just not clear. The reason it is not clear is that none of us knows.

Noble Lords may say that they have heard me say this before, and I do not like succumbing to the problem mentioned by my noble friend Lord Patten of repeating speeches I have already given, but sadly this is a speech I gave two and a half years ago standing at that Dispatch Box when an amendment passed—I admire your Lordships for your consistency on this—which was going to give the other place the right to block no deal. I made these points and opposed this amendment then, and I oppose this Bill now for that precise reason.

Parliament exists to make decisions, not to dither, which is why, when this Bill becomes law, it will show beyond doubt that it cannot fulfil that primary purpose—to decide on our nation's future. So, as I have been saying for months, the brutal reality is that the current Parliament is broken and it is time for a new one. We need a general election and we need it now. Now that it has been agreed that this Bill, flawed though it is, will become law, I humbly argue to those in the Opposition, some of whom I consider friends, that they should stop blocking giving people the chance to express their views in the ballot box and agree to a general election on 15 October, so that on that day—three years, three months and 23 days since 17.4 million people voted to leave the European Union—people can decide on their nation's future.

2.15 pm

Earl of Devon (CB): My Lords, I have never spoken on Brexit before and I hope to provide at least a fresh voice and maybe a few fresh thoughts. This debate sounds rather like almost every Brexit debate of the past three years and is a slightly despondent dance upon the head of a pin to some rather miserable mood music.

I will speak for my contemporaries: parents with young children, young workers just establishing a career, entrepreneurs establishing their businesses, and those just getting by. I increasingly hear that they just do not care and do not identify as remainers or leavers. They just want us to get on with it. Let us do that and give

ourselves and our children a certain future. As the right reverend Prelate said, the question now must not be whether we leave, but how we leave. I have a suggestion. While the Bill purports to take no deal off the table, perhaps in the spirit of new compromise we could equally consider taking remain off the table. We could focus all our considerable skill, erudition and efforts on leaving, leaving well and healing all these bickerous divisions. We owe it to our children. It was my kids' first day back at school yesterday and I spent the day in much more childish play than they did.

I was once a remainer. Indeed, as a Burgundian family that set up shop in Devon over 800 years ago, we have done rather well out of a previous European union. But now I am firmly a post-Brexiteer. We have to look to the future. We have left Europe before many times and we have rejoined Europe before. Remember Crécy, Poitiers, Agincourt, the Field of the Cloth of Gold, the Reformation and the Glorious Revolution. I hope, having had family members proudly active in all those engagements, that my presence here can remind your Lordships that a negotiated departure from the current European Union does not preclude us from an active and leading role in our continent, or indeed perhaps rejoining it at some point, whether sooner or later.

I support the Bill if it allows us to move on and finally to get on with our national life. I also support the brave efforts to prevent the current Government herding us like lemmings off the no-deal cliff, with the parade of Yellowhammer horrors that would follow us. For farmers, fishermen, families, Ireland and the whole future of our United Kingdom, I really support the Bill.

Baroness Royall of Blaisdon (Lab): Before the noble Earl sits down, I must say that he lives in a very different world from some of us. My children, all the friends of my children and the vast majority of students with whom I come into contact daily at Oxford University—I refer to my entry in the register—all want to stay in the European Union because they all recognise that their place is there and that that is where they will maximise their opportunities and potential. I wish to place on record that I live in a very different world from that inhabited by the noble Earl.

Earl of Devon: My Lords, if I may respond, I wholly agree. My experience is that the younger generation really do want to remain, but if we continue to fight we will be trashing their futures. If we continue to fight about this we will be absolutely rubbishing their options. If we can get out now, well and cleanly, they will have years ahead of them in which they can get back in. They can get back into a new, better and different European Union, but I do not think we are doing them any favours by spending three years churning through politicians and Governments, depressing our economy and trashing our farming just by arguing about this issue. I have sat quietly on this for a number of years and I firmly believe, although I am devout remainer, that we just have to get on and get it done with, rip off the plaster and start afresh. I am sorry.

2.20 pm

Baroness Meyer (Con): My Lords, I am pleased to follow the noble Earl, Lord Devon, because I completely agree with him. I have not prepared a speech, so what I say will not be in order. I am a European. My mother is of Russian origin, my father was French and I have lived in Germany, America and the United Kingdom. I am sometimes a little surprised by the word “European” because European countries are all very different and have very different mentalities. In my opinion, the European Union we are talking about is of the past. There was a union for various reasons, and I will not go through the history of the coal community—I cannot remember the name—that led to the European Union. One reason was to protect us against the eastern bloc and the political reason was because we were afraid of the resurgence of the Nazi movement. Then there was trade, which was very useful for all our countries.

The point I am trying to make is that Europe today is very different from the Europe we are talking about. I live in France and I go to Germany quite often, and their view of us is very different from what we think it is. We are friends and we can work together. I strongly believe that we can leave the European Union but remain Europeans in the terminology we are talking about. The United Kingdom is very different from Europe. We used to call it “the continent” in the old days because we are different. For better or for worse—I believe for better, because I love this country—we are in a different world. As the noble Baroness, Lady Deech—who is no longer in her place—pointed out, Europe is not a place I particularly want to remain a member of because I look at it as something that will not work long term. I find that a lot of Europeans are very disillusioned with the European Union and feel very remote from its government. One thing I observe is that people feel left behind. The resurgence of nationalism is a direct result of the European integration forced upon them. People want a sense of nationality.

Baroness Ludford: I am sorry to interrupt the noble Baroness. Since her remarks seem to include observations about anti-EU feeling in different states, can she give an example of a member state where a majority want to copy the UK in voting to leave? My understanding of the polls is that support for membership of the EU has gone up in every EU country.

Baroness Meyer: That is not the case in every country. It is certainly not like that among the eastern members. In France, there is quite a strong movement to get out of the European Union. Look at Italy; look at the gilets jaunes. I know it is not reported very much here but there is a strong feeling that people feel not part of the club—a club that was built many years ago. I think we have moved on. That is my opinion, but this is a place where I think it is important to share one's opinion.

I go back to the point that we are where we are: I voted on one side and you voted on the other side, but somewhere along the line everyone in the other House agreed to hold a referendum. What I fear most, which reflects what the noble Earl, Lord Devon, was talking about, is that if we do not deliver what the people

[BARONESS MEYER]

voted for, we will be in deep trouble. There will be a real reaction, and that is how revolutions are started. My grandparents were evicted from Russia as a result of the same sort of mentality. The centre, in the form of Russia's royal family and the Government, had no idea of how the people in the streets were feeling; they were so remote that they were not inclusive.

If I had a choice, I would not go for this Bill. My reasons for saying that are, first, that we must give the Prime Minister a new—

The Earl of Clancarty (CB): The noble Baroness talks about revolutions, but does she agree that the EU has been hugely instrumental in keeping the peace in Europe since the Second World War?

Baroness Meyer: We are going back into the past and I think that the results of the Second World War were a little more complicated than that. The European Union was initially created as a body against the eastern bloc. I am not going to go into the causes of war—the noble Baroness, Lady Deech, gave us examples—but the European Union has not always been very cohesive in its defence policy. The world has changed. Cyber attacks are now dangerous, so we need to look outwards a little more.

The point is that people voted to leave in a democratic vote and we should respect their decision. I know that along with my husband, some noble Lords voted to remain, but we should not undercut the negotiating powers—some are saying that Boris Johnson has no negotiating powers—of a Prime Minister. He has to have the support of parliamentarians. His job is to deliver what the people wanted.

Lord Judd (Lab): I am grateful to the noble Baroness for giving way. Does she accept that perhaps the major tragedy of this whole saga is that our political community has never grasped the reality of the fact that when the Coal and Steel Community and the Common Market were set up, while they were certainly about rational and necessary economic arrangements, right from the beginning they were a means to an end? Right from the beginning the purpose was political: to build a stable and peaceful Europe. When she describes the uncertainty in Europe at the moment, which is true, surely this is the time for us to be there, determined to build, together with others, the fortress that will keep Europe stable and peaceful. Why does she take this defeatist attitude?

Baroness Meyer: On the contrary, I take a positive attitude. This country can do very well on its own and we do not necessarily need the Europeans. People say that we have been chained by Europe. I take your point that, originally, we were worried about the eastern bloc, but I would say that the cancer is now inside Europe because it is disintegrating. If we leave the club, before it is too late, we may be better off. We now have this opportunity, so at least give the Prime Minister a chance to see if he can negotiate a deal that we can all agree to, and then we should move towards reuniting this country.

Lord Forsyth of Drumlean (Con): Is not the reality, as we can see from the *gilets jaunes* and from what is happening in Italy, Greece and Spain, that, as the polls show, many people are thoroughly discontented with the European Union, but, thanks to Gordon Brown, who saved us from the euro, we are able to leave in a way that would be extremely difficult for them?

Baroness Meyer: Absolutely.

Baroness Hayter of Kentish Town: My Lords, I do not know whether the Front Bench will be doing its normal practice of looking after the conventions of the House but I believe that only people who were here for the opening speeches normally intervene.

Baroness Meyer: Do you want me to stop talking? I think that I have made my point that we all have different opinions. I come from a different side. I just want this country to get together and move on. We can blame David Cameron for having called a referendum, but, for better or worse, the point is that it happened and we have to move forward. That is what I am trying to say. There is a future for this country on its own. We need to look at the rest of the world, where there are a lot of opportunities, and stop looking at the past and seeing the European Union as something that used to be fantastic—it is now changing. As my noble friend just said, when you look at what is happening economically in all those countries, it is not great. We will have more flexibility if we are out. That is my point.

Baroness Bull (CB): My Lords—

Lord Kerr of Kinlochard (CB): My Lords—

2.30 pm

Lord Cashman (Non-Affl): My Lords, it has been a very long time since we have heard from this side. I reassure the noble Lords who have just given way that I did not intend to speak either and will be extremely brief.

As some noble Lords know, I worked for 15 years in the European Parliament with the noble Lords, Lord Callanan and Lord Balfe, the noble Baroness, Lady Ludford, and other noble Lords. I am not making any political points—this is exactly how I feel—but the European Union represented by some in this House is not the European Union that I have experienced and that I know well. It is a European Union of representatives of their countries who come together in order to reach a compromise to serve the greater good and the greater number of people. Governments come together in the Council of Ministers to work and vote together, and, if there is a big issue, it is that when those Governments vote in the Council of Ministers they very rarely reveal to their national parliaments how they voted. It is about voluntarily pooling sovereignty to achieve far more than would be achieved by acting alone. That is the European Union that I know—working with colleagues as the rapporteur on the Schengen movement and ensuring that, within that, there is no discrimination at the border on pivotal grounds such as race, ethnicity, religion, belief, age, disability, gender, sexual orientation or values.

Unless we go back to the past, we will recreate it. I believe that the European Union was quite literally born out of the ashes of the Second World War. Others have heard me say this and I will revisit it again and again. Countries decided that they would no longer fight one another for land, power, coal or steel but would work together. From the ashes of the Second World War, of people's hopes and dreams, and of crematoria dotted across Europe, there was a determination that we would never look away again while a group, a minority or a country was targeted and scapegoated—and that is deeply personal to me. If I, as a gay man, had been living in certain parts of Europe during the Second World War, I could literally have been taken to one of those camps and been worked to death. I must connect with the 6 million-plus Jews who were obliterated because of their religion and with others.

If there is discrimination and a rise of the right wing in Europe in the countries that have been cited, is that not all the more reason to work together to ensure that that is brought to an end? We should not turn away and say, "It is only the things that matter to Britain that I am concerned with". What makes us human is our ability to stand in the shoes of the other and ask, "Would I want that to happen to me or my children?"

I can see certain Members on the Front Bench getting perhaps a little impatient with me. What is his point? Do not mumble from a sedentary position. If the noble Lord has something to say, can he please stand and say it? I will always give way.

The reason I have decided to speak today, after a long silence since my original initiation in the early debates, is that no one has mentioned those individuals within the groups who face appalling uncertainty: the 3 million EU citizens who live in this country. If for no other reason, this insurance policy—this Bill before us today—gives them a degree of certainty and hope, and if for no other reason I would grab this Bill with both hands.

As the right reverend Prelate the Bishop of Leeds said: what about division? By going for a no deal Brexit, what happens to the 16 million-plus, such as me, who with our values would feel completely disconnected from our country? Do we heal the division there? No—we reinforce it. Therefore, for no other reason than the ability to stand in the shoes of others—yes, including those who voted leave and who want a resolution—we have to work together.

The noble Lord and others referred to having trust in the Prime Minister, but one of our concerns is that we do not believe what he says. Other noble Lords have referred to reports from other capitals. But if this Bill, which we have before us today, gives the Prime Minister in whom most of your Lordships seem to have faith and belief the time to reach a deal that brings parts of this country together that, at the moment, seem forever divided, we should give your Prime Minister this insurance policy of extra time.

2.37 pm

Lord Kerr of Kinlochard: My Lords, it is a pleasure to follow the noble Lord, Lord Cashman. There are moments when one is reminded of what a privilege

it is to be in this place. This debate is one of them. I think, in particular, of what the noble Lord, Lord Cashman, just said; how the noble Lord, Lord Patten, ended with his warning on Northern Ireland; what the noble Lord, Lord Cormack, said; and what the noble Lord, Lord Hain, said. I do not intend to address any of the great themes that they touched on today, but it is a privilege to take part in a debate of such calibre. I did not feel that about yesterday's debate for some reason.

I want to address two themes: a constitutional theme and a negotiating theme. One concerns our domestic affairs and the other our relationship with the EU 27. Both arise directly from the terms of the Bill we are debating. The noble Lord, Lord Patten, quoted my hero, Kenneth Clarke, who yesterday, in the House of Commons, referred to an element of disingenuousness in the prime ministerial position. I found it shocking that the documents revealed in the court case in Edinburgh show that the Prorogation plan and timing was decided in the middle of August and, for another two weeks, the No. 10 spokesman denied that there was or could be any such plan. I found it very shocking that the Prime Minister, when the plan became clear and the proclamation was issued, maintained that his motives had nothing to do with Brexit. Nobody in the country believed that, but it was still shocking to me to see in these documents from Edinburgh that it was precisely about Brexit. It was knowingly and deliberately about Brexit. Ken Clarke said that it was "disingenuous". We have an issue of trust here.

The No. 10 spokesman said this morning that, if the Bill we are debating now becomes an Act, the Government and Prime Minister will not abide by it. I assume he misspoke, but we recall Mr Gove discussing this with Andrew Marr last Sunday and refusing to say whether the Government would implement the law of the land. They will wait and see what it says. On the same day, we saw that, among the clever plans that Mr Cummings is cooking up is simply not sending the Bill for Royal Assent. This is not exactly the "good chaps" theory of government. I find it difficult to deal with this issue of trust. I spent a long time in public service, and one did not see one's political masters being disingenuous or telling lies. One saw them avoiding answering difficult questions. One found ways to help them avoid answering difficult questions. One gave them answers to other questions, which might be suitable, but one never drafted a lie. In 36 years of public service, I do not think I ever told a lie. Telling a lie is a stupid thing to do, because it creates a subsequent problem of trust. So we are legislating against a peculiar background.

I was interested in the discussion of legitimacy by the noble Lord, Lord Howard, and this being an opposition Bill. I found that discussion more interesting than the historical disquisition, where I do not entirely share his views. I do not share his views on the discussion of legitimacy at all. A Bill is a Bill. A Bill has been passed by the House of Commons and comes to us here. It is legitimate and the voice of the House of Commons. If we approve the Bill, it is then the voice of two Houses of Parliament. It does not matter who drafted the original; it is legitimate. It would be wholly illegitimate for the Government to

[LORD KERR OF KINLOCHARD]

decide to do what Mr Cummings hinted, which was to sit on it and not send it to the Palace, or what the spokesman this morning said they would do, which was to ignore it. That is a major constitutional issue.

When the Government reply to this debate, I hope they confirm that, if the Bill is passed by this House tomorrow, it will be sent for Royal Assent; and that, once it has received Royal Assent, it will be acted on. These are ridiculous questions to ask in our parliamentary democracy, but such is the issue of trust that one has to ask them.

My second theme is our relationship with the European Union.

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): It may help the noble Lord if I inform him that, as part of the agreement last night, we said that, if the Bill is passed and becomes an Act, it would be available to the House of Commons on Monday and sent for Royal Assent.

Lord Kerr of Kinlochard: It will be sent for Royal Assent, but would it then be acted on? No one asked that question yesterday because it is an absurd question. I only ask it because a No. 10 spokesman said today that it would not be acted on and that the Prime Minister would not abide by it.

Lord Callanan: The reason I used that form of wording is that one of the original proposals was that we would guarantee that it would receive Royal Assent. Obviously, we cannot speak on behalf of the Palace so we merely said that we would enable it to be sent for Royal Assent. I think the original guarantee that we were asked for was that it would receive Royal Assent by Monday evening. We could not give a guarantee because obviously that depends on the ability of Her Majesty, so we will send it for Royal Assent if it becomes an Act.

Lord Goldsmith (Lab): But of course it would be open to Her Majesty's Ministers to advise her to give Royal Assent, and I assume that is what would happen. Can that be confirmed?

Lord Kerr of Kinlochard: May I repeat to the Minister the question that Mr Marr put to Mr Gove? Will the Government act on the law of the land if this Bill becomes an Act and receives Royal Assent?

Lord Callanan: The Government will abide by the law.

Lord Cormack: I remind the noble Lord that the last monarch to refuse Royal Assent was Queen Anne, over 300 years ago. Subsequently, every Act passed by Parliament has been submitted for, and received, Royal Assent.

Lord Kerr of Kinlochard: I want to move on to the European theme and the question of negotiation. The scripts spoken to yesterday by a number of noble Lords contained the familiar argument, which the Prime Minister has been using extensively, that the legs would

be knocked out from under his negotiating strategy if no deal was taken off the table. I have spoken on this before and I do not want to bore the House, but I believe that is completely untrue. Saying, "If you don't give me what I'm asking for in this negotiation, I will shoot myself", is not a credible threat.

We know that the pain is asymmetric; although everyone is damaged by a no-deal crash-out Brexit, it is the UK that will be damaged hugely more than anyone else. We know that and they know that. We know that there is a problem of asymmetric preparation. They are better prepared than we are, even though they have proportionally less of a problem than we have.

Everything that I have said up to now I have bored the House with before, but here comes a new point. It is now not possible, or it will very shortly not be possible, to get a new deal agreed at the European Council on 17 October. I think the Prime Minister may listen too much to Mr Cummings, who is an expert on game theory and has studied it very closely; I do not think he has done much international negotiation, but he knows a lot about game theory. I believe that he is playing the game of chicken, which we know from American movies in the 1950s and 1960s, where you put your foot down hard on the accelerator, ideally throw away the steering wheel and drive straight at each other, each believing that the other guy will swerve. There are two problems in applying that theory to negotiation with the EU. One is that it is a union, consisting of 27 member states. It takes them a long time to make a decision to swerve. They need to get instructions in Brussels on whatever you put forward; they need to debate that, send the reactions back and then hear what the Government think.

Today's papers say that Mr David Frost was saying yesterday in Brussels that the British could not put forward any proposals now because they would be attacked by the ERG, published by the EU and criticised in the Article 50 working group. Each element of that is probably true, but it should not mean that we do not put forward any proposals. When Barnier says "paralysis" and our Prime Minister says "remarkable progress, wonderful progress", the question of disingenuousness creeps in again. I tend to believe Mr Barnier; I find it harder to believe our Prime Minister, which is a very worrying thing to say. It will take them a lot of time. Any proposals to be discussed on 17 October ought certainly to be in negotiation now with the Article 50 working group.

It is my belief that Mr Cummings, in addition to believing in the game of chicken, does not mind if we have a no-deal crash-out. Given what Mr Farage has been saying, he may actually see benefit in a no-deal crash-out. Mr Farage has said that if the Prime Minister negotiates some new variant of Mrs May's withdrawal agreement, his party will run against the Conservative Party in every Conservative-held seat, whereas if Mr Johnson sticks to his promise to go, do or die, on 31 October with no deal, various forms of pact, informal or formal, are possible. That is what Mr Farage is saying. I have a theory that Mr Cummings may be listening.

In addition to the problem of trust in respect of the text of the Bill before us, we seem to have a problem of whether it will be interpreted not just in the letter but in the spirit. The Prime Minister, obliged to write the letter that the Act would require him to write if the circumstances set out in Clause 1 arose—the noble Lord, Lord Callanan, confirms that the Prime Minister would feel so obliged—could send it and make sure that the European Union did not agree. The European Union needs unanimity. He could talk to a friend in, let us say, Budapest; as a classicist, he could also put his oral presentations in a “num” rather than a “nonne” way; by adding threats and undertakings of what we intend to do, he could make sure that we do not get from the European Union the extension that we have required him to seek if the circumstances arose.

The problem of trust is quite a big one. It would be good if the Government in responding to this debate said that they will not only act on the law but do so in the spirit in which the House of Commons passed it. The noble and learned Lord, Lord Brown, suggested that we would be going cap in hand to the European Council and who knows what terms we could obtain. That is a bugbear. Honestly, either you are in the European Union or you are out of it; there is no middle position that we could be put into. The noble and learned Lord implied—perhaps I got him wrong—that for the period of any extension the terms of our membership would be for the 27 to decide. No, sir, we are either a member with the full rights of a member or we are not in. I am very sad that we are not exercising the full rights of a member any more; I am very sad that, from 1 September, there are important working groups, important meetings of COREPER and important councils in which the British are following the policy of the empty seat. It did the French no good when General de Gaulle tried it; it will do us no good. Wherever we are going to be—in or out, close or far from the European Union—it must be in our interest, until the last possible moment, to exert as much influence as we can on the direction and legislation of the European Union.

That is my answer to the noble and learned Lord, Lord Brown. We can put ourselves in a half-in, half-out position, but the European Union cannot. However, I am nervous that we have not necessarily solved the problem with this Bill—for which I shall vote—because it seems to me that, in addition to the risk that the Government will not act on the Bill, there may be a bigger risk that they will act on it in a disingenuous way and that the purposes set out in it may therefore not be achieved.

2.54 pm

Lord Balfé (Con): My Lords, I draw noble Lords’ attention to my entries in the register, from which you will see that I am now in my 41st year of appointment in Brussels, with 25 as an MEP and the last 15 in other capacities. It will not tell you that I worked in international organisations for the 19 years before that, from when I left school at 16. I was first in the Crown Agents of the colonies, briefly in a junior position in the Foreign Office, and then working for the Co-operative movement.

My whole life has been devoted to multilateralism, and it has always been a difficult proposition. From the East African Common Services Organisation in 1961—which was the first multilateral body I came across—to today, there have always been opportunities for misunderstandings or clashes of different cultures. However, the important thing is that multilateralism has worked. Multilateralism has been of great benefit in many different areas of this world.

I do not believe that, if we left the European Union, the world would end. We would of course survive—we are a big and strong country—but it would be fundamentally the wrong decision to take. The noble Lord, Lord Campbell, said exactly what I feel very early on in this debate: to quote someone who may be better known on those Benches than these, I see this Bill as a “transitional demand”, because I want to stay in the European Union. I have never hidden that. This prolongs the time that we are in.

Next to the noble Lord, Lord Campbell, I see my colleague—my friend, rather—the noble Baroness, Lady Smith, who served with me on the Cambridge Says Yes committee, where we got well over 70% voting to remain. In Cambridge, when we argued for the referendum, I did not argue about money or the fact that we could do this or get that. It was a straightforward moral proposition that it is right to be in a multilateral organisation and co-operate with your friends, and that the pooling of sovereignty is the gaining of sovereignty. You have to realise that. We speak as though it were a one-way street, but it is not. It is a two-way street, and more comes towards us from co-operation than flows away.

Last night, the Labour Party decided that it did not wish to support an election until this Bill is passed. I hope that the Labour Party will support an election when it is passed, because the House of Commons is now ungovernable. The Government are in a minority—by 20, thanks to their own foolish actions—and they cannot get anything through anymore. We have to have an election.

A lot of my friends are among the 20 suspended. Do not just concentrate on them. I am, for my sins, the president of my local party in Cambridgeshire. I would say that roughly 20% of our members are actively on strike or, as we put it, withdrawing enthusiasm. We will be lucky if we get a window bill up. Last night, I spoke to one of them who said, “Well, I’m going to keep it quiet, Richard, but I’m going to vote Lib Dem at the election”. You can see the situation into which this politics of confrontation has pushed our party. It is a tragedy because these are people who, at heart, are Conservatives—often with a small c, rather than a larger C—but they basically believe in the principles of the Conservative Party. They feel they are being forced out of it. Only an election can settle this.

I ask the parties opposite—and the SNP—to come to some sort of agreement as to how this is to be resolved. My personal conclusion is that it probably has to be through another referendum, because the people have spoken once and it would be bitterly resented if the politicians took the decision without consulting them again. On the other hand, if the people were to return a coalition Government, it would

[LORD BALFE]

have to be part of the coalition programme—and then you could get a referendum Bill through, though it might take a month or two.

I mentioned that I have these jobs in Brussels which give me an office in the European Parliament. I have a staff there, only one of whom is British, so I have a fair amount of international exposure. If the British Government were to ask for an extension to hold another referendum, it would be given. It would not need a Bill in the House of Commons or the House of Lords. The EU would be pleased to grant an extension for the purpose of having a referendum. But it would not be very happy to give an extension so that we could carry on arguing. As they say—and this point has been made on several occasions—nothing is being put on the table. When I go to Brussels, which is generally twice a month, I hear the gossip around: “What on earth are they up to?” “Who is this new Prime Minister of yours who is hell-bent on destruction?” This is the image that is coming across. Colleagues opposite, you have to get your act together, and you have to bring to the election something which resembles a party deal and a way forward for the future.

To conclude, I have said that we could leave the EU. It would be difficult but not disastrous. We are also members of the Council of Europe, where the British Government have played a uniquely destructive role in opposing its budget. The Court of Human Rights has had to be cut back because the British, and Mr Salvini from Italy—now, mercifully, consigned to history—were obstructing even an increase in line with inflation. We must deal better with the multilateral bodies. We should be saying more about the WTO, where the United States is threatening to bring the whole appeals procedure to a halt by refusing to appoint judges. There are so many other multinational organisations to which we belong.

I remember when my noble friend Lord Judd was a Navy Minister. He has probably forgotten, but many years ago we were discussing NATO. I am not sure whether he said to me or I said to him that we could never have a referendum on NATO because it is too central to Britain’s interests to have it tossed around in the political field. I feel that the EU referendum was a fundamental mistake. We have made the mistake, but it is our duty to undo it. You would not go to a hospital and say to the doctor, “I am sorry, let me tell you how to take the appendix out or how to do the heart transplant”. We have to accept that there are some things that the political class may know how to do. On occasions, democracy has to be qualified. This is an unpopular thing to say, but it happens to be absolutely right. You sometimes have to say to people, “I am terribly sorry; I hear what you say, but you’re wrong”.

3.04 pm

Baroness Bull: My Lords, it is a pleasure to follow the noble Lord, Lord Balfe. We have before us a Bill concerned with avoiding a no-deal Brexit and, like the right reverend Prelate the Bishop of Leeds, who is not in his place, I have been taking note of a timely and helpful report from the academics at the UK in a Changing Europe research unit about the issues,

implications and impacts of leaving the EU without a deal. At this point I declare my interest in King’s College London, as set out in the register.

I support this Bill and will confine my remarks to explaining why I believe that it is so important to avoid no deal. The report I mentioned usefully reminds us that while the Prime Minister’s “no ifs, not buts, no maybes” approach is presented as offering a clean break and allowing us all to just get on with it, it is, in reality, nothing of the sort. As the report says, no deal:

“Is not a neat way of resolving a complex problem”,

but,

“a way of rendering a complex problem infinitely more so”.

No one should delude themselves that no deal will in itself be the end of the story. There is no realistic possibility—and indeed no suggestion from anyone on any side of the debate—that we will not have a future relationship with the block of countries that represents our largest trading partner and our nearest neighbours. No deal will not be the end of the negotiations but the beginning of a new, more complex and likely even more prolonged set of negotiations. And without them taking place under the framework of a deal, do we really think that those negotiations are going to be any easier? In this scenario, any future deal will almost certainly require unanimous agreement from all member states and ratification by their parliaments. These negotiations will all be set against a backdrop of bruised and damaged relationships, both within the UK itself—as we are already seeing—and between the UK and the EU.

Leaving with a deal would mean a transition period, during which trade would continue as now while the two sides negotiated a future relationship. No deal means a cliff edge, with the UK treated by the Union as a third country. The impact on trading goods would be immediate, with new regulatory and customs arrangements coming immediately into force. This would mean disruption to supply chains, impacting crucial sectors such as food, medicines and just-in-time manufacturing. Larger businesses might be able to withstand the storm; smaller companies are unlikely to have the reserves to do so. Trade in services, always the Cinderella of the Brexit story, would be hit particularly badly. If the UK exits without a formal deal, it will no longer be covered by the services agreement of the European Economic Area but will have its trade with the EU governed by the General Agreement on Trade in Services, a treaty under the WTO. GATS provides far less access than the current EEA arrangements and therefore fewer opportunities for the UK services sector.

This disadvantage will be compounded by another challenge: professional qualifications will no longer be automatically recognised in other European countries. Under the EEA, UK qualifications are subject to mutual recognition agreements, so if you are a UK-qualified accountant or architect you can provide services in other EU countries. Under no deal this would immediately cease to be the case. Professional services suppliers would have to apply not just to have their qualifications recognised but for working visas. This sector is the second largest services exporter in the world, with 2018 services exports valued at £283 billion, or 45% of

total UK exports; of this, £117 billion-worth were exported to the EU. This is a sector, let us not forget, that provides four in five jobs, up and down the UK.

There is also no clarity on what no deal will mean for freedom of movement from 1 November. I am afraid that recent government pronouncements have not made things any clearer. The noble Lord, Lord Cashman, already referred to the concerns of the 3 million EU 27 citizens currently resident here. Without a deal, what new rules will apply and how are employers, landlords or providers of public services supposed to apply them? The profound sense of insecurity that EU citizens currently feel in this country is no doubt shared by those Britons resident in other European countries, for whom the position is perhaps even more complex and unclear.

A further, little discussed consequence of no deal is the immediate loss of access to EU databases and other forms of co-operation, including the European arrest warrant, the Schengen information system and Europol. In a world where data is key, this will present very real challenges to policing and security operations. I fear that it will provide a welcome window of opportunity to criminals intent on illegal access to and use of data.

Then, of course, there is the island of Ireland. This is almost certainly the greatest and most serious unknown at this point, already discussed in real and compelling detail by other noble Lords today. Many of the worst consequences of no deal—such as severe disruption to road and air transport links—will be averted in the short term because of temporary workarounds that the EU has put in place, but some of these expire as soon as the end of December, just two months into no deal. It is interesting to speculate what will happen to those temporary workarounds at that point, when we could well be engaged in an unedifying dispute over moneys due under a so-called divorce bill.

Whatever happens, we will eventually come through, as the right reverend Prelate the Bishop of Leeds suggested, but we cannot pretend that there will not be significant costs to no deal, socially, culturally, and economically. Research from the academic research unit I mentioned has found that trading with the EU on WTO terms would, after 10 years, reduce the UK's per capita income by between 3.5% and 8.7%, and it is not the only credible source coming to a similar conclusion.

As we consider the Bill today, I ask that we be under no illusions that no deal will provide closure on this sorry period in our nation's history. It will be just the beginning of a process that will not be easy but will be time-consuming, politically fraught and damaging to our economy. Let us not forget that the inevitable reductions in public spending that will be the consequence of economic downturn will hit hardest those people who are least able to stand it: the poorest, the most vulnerable and the marginalised in our society. For all these reasons, I support the Bill.

3.12 pm

Lord Hayward: My Lords, it is somewhat difficult speaking after some four hours of debates, because I want to pick up on comments made and I do not want to duplicate comments made earlier. This is actually

the first time I have ever participated in a debate on the referendum, on withdrawal or the like: I do not face the problem my noble friend Lord Patten referred to of repeating myself from other speeches, because it is the first time I have made these comments.

I voted remain, but I am absolutely committed to finding a way to leave. That is where I disagree very strongly with some of the earlier speeches from, for example, my noble friend Lord Balfe and the noble Lord, Lord Cashman, who referred to the disadvantages associated with leaving. I recognise those but, as far as I am concerned, the referendum delivered a decision and I very strongly disagree with those who argue for a second referendum: just by dragging something out, one does not necessarily negate the original decision. I disagree with the position of the Liberal Democrats and of some other noble Lords who have spoken today.

I have found myself in strong disagreement on a number of occasions with the EU negotiators. I found them to be at times arrogant and dismissive, and I still hope that we will find a solution to the backstop, because that is the nub of the problem. The noble Lord, Lord Howell, has identified some solutions. They may not work but I believe that we should try to find one, even at this late hour.

I have made comments about the EU and the Liberal Democrats. My observation about the Labour Party's negotiations is that I have been unclear throughout as to where it actually stood. I am referring not to those in this House but to the general Labour Party position. It has lacked clarity and assistance, and therefore has not helped in moving towards a leave solution.

I speak today as a Conservative Peer, so it behoves me to look at the position in relation to the Conservative Party. We are essentially discussing a Bill that says, "We do not trust the Government in their current position". That is the essence of what this Bill is saying. Unfortunately—it hurts me to say it as a member of the Conservative Party—I am moving to that same position in relation to the current Government. Why have I come to that conclusion? I understand all the disagreements with this Bill from the noble and learned Lord, Lord Brown, the noble Lord, Lord Bridges, and others, but we are in a position in which the Prime Minister tells us he wants a deal but at the same time announces that we are going to prorogue Parliament.

On Monday the Prime Minister is due to be in Dublin meeting the Taoiseach. What is the point of saying to the Taoiseach, "By the way, I don't have a plan or anything on the table"—as I indicated earlier in my intervention on the noble Lord, Lord Hain—"but I am coming over to negotiate and, at the same time, I am going to call a general election that will take up six weeks of the negotiating period through to 31 October"? If I were the Taoiseach, I would pick up the phone to No. 10 and say, "Don't bother to turn up", but of course the phone call is likely to go through to the gentleman referred to on a number of occasions during this debate. If it does, we can imagine the courtesy with which that call will be received—the same courtesy that Mr Clark received when he made a phone call only a few days ago.

[LORD HAYWARD]

I find it utterly unacceptable that the chief of staff at No. 10 Downing Street, who advises on these matters, whether negotiations or the timing of the general election, was found in contempt of the Commons. It is one of the reasons we lack trust, not only in this Chamber but in the other Chamber and, growingly, in the nation at large. Is it really acceptable? I disagree with the noble Lords, Lord Balfe and Lord Bridges; I would say to the Labour Party, “Don’t have the general election until after 31 October”, because I do not actually believe what is going on in the negotiations. I have here the report of the Committee for Privileges, which received the documentation from a Select Committee chaired by a Conservative Member of Parliament. The Committee for Privileges is chaired by a member of the Labour Party, and its conclusions are absolutely clear and damning. That report was then put to the Commons some five days after it was received, and on 2 April Dominic Cummings was found in contempt of the House and the committee without a vote—in other words, it was accepted by the whole House of Commons. I find it unacceptable that somebody who so recently was found to be in contempt of our practices and of Members of Parliament should be advising the Prime Minister on how to handle parliamentary procedure.

I have difficulty with this Bill and the problems associated with it, but I understand what it is saying. I say to No. 10: understand what is being said by the formation of this Bill and change your behaviour immediately, because that trust must be restored in both Houses.

3.21 pm

Lord O’Donnell (CB): My Lords, I would like to build on what many of the previous speakers have said, particularly my former boss, the noble Lord, Lord Kerr, who covered many of the areas that I want to speak on, and the noble Baroness, Lady Bull. I completely support what she said on the economic costs of no deal; other institutions have also looked at that, such as the Institute for Fiscal Studies and Trade Knowledge Exchange—but I must refer to the register of interests, because I am all over both of those.

I should also warn the House to be careful of listening to me. The noble Lord, Lord Kerr, referred to the No. 10 spokesman role, and the fact that the No. 10 spokesman occasionally has to prevaricate and possibly not answer questions as fully as one might like to, as I had to for four or five years. However, the number one rule is “never lie”. I really worry about the implications of the 15 August thing concerning Prorogation. Was that civil servant knowingly not telling the truth, for which the implications are fairly clear—the person should be sacked—or were they being told untruths? That is important. It builds on the question of trust and on the “good chaps” theory of government, which the noble Lord, Lord Howell, mentioned.

Alas, we do not have with us to talk about his own theory my very good friend the noble Lord, Lord Hennessy of Nympsfield, but it is worth remembering that, when talking about the decline of the “good chaps” theory, he said that it fell into fragments on 28 August at Balmoral. To my mind,

there are wider implications. I was here throughout the events of last night, listening—I would not say “happily”. I was listening to my former colleague, the noble Lord, Lord True, who, when we were in No. 10 together, would speak passionately on policy and the importance of the rules under which this House operates. In the past, he was a bit more concise. I am not a fan of filibusters or guillotines. These are symptoms of the decline in trust.

It is crucial that we trust our Prime Ministers, and I worry that we are in a really dangerous world now. Let me give some evidence. When people are asked about trust, as has happened most recently, there is one profession whose trust rating has had the biggest rise of any over the last 35 years. I am very proud to say that it is the Civil Service. However, the latest survey reveals the biggest ever gap in the public’s mind between the extent to which they trust civil servants and trust Ministers. That is not a good place for our democracy to be. This whole process is causing great problems of that kind.

The other constitutional point that is really important to remember about this Bill is that we have the Conservative/Liberal Democrat coalition to thank for our being able even to consider this question. If it were not for the Fixed-term Parliaments Act, the Prime Minister could have just stopped it all, allowed us to leave with no deal and had an election after that date. I am the first person to admit that that Act could be a lot better, and I look forward to being part of amending it at some point to correct the things that are not quite right. It was too rushed—let me put it that way—but it is interesting to look back on it.

On the implications of this Bill, the Prime Minister has said that if we take out no deal, it makes it harder for him to get a deal. I believe the opposite is true and would be interested in noble Lords’ reactions to this, because I have said this publicly already. David Davis was absolutely clear that getting rid of the backstop was not enough for him to support any deal that came to the Commons. He implied that we also have to do something on the money and the jurisdiction of the European courts, and that there were lots of other MPs who took this view.

If this is true, I do not think it possible for such a deal to be negotiated with the EU. We have already heard that it is impossible to get all of the backstop done, so to get this and everything else, they are saying, “Prime Minister, go and negotiate a deal. By the way, when you come back, we are going to vote against it”. What does that do for the EU incentive to offer any concessions? Absolutely nothing. What does that do for our process of trying to come up with a deal? It makes it incredibly hard for that to go through. I do not really understand what we are doing here, because if you are an MP in the House of Commons whose preference is no deal, the obvious thing to do, whatever deal the Prime Minister comes back with, is to vote against it. If this Bill did not exist, the default in law is quite clear—that we would then leave without a deal. The incentive is to vote against it, irrespective of what it is.

I am completely puzzled by this but let us try to be constructive. What is the way forward? A number of people have said that Parliament has had plenty of

time to come up with not just what it does not want but what it wants, and it has failed miserably. That is true. My solution to this is a new Parliament. We need a general election of some kind. My one plea is that all the manifestos be absolutely clear about what the parties are going to do. That is crucial, because if we are trying to get the people to make an informed choice and we give them fudge, we could end up in exactly the same place as we are now.

I have two final points. First, some people are saying that the EU is a terrible club, but it seems to have a lot of members keen to join it. Secondly, I have spent a lot of time dealing with special advisers, and my general principle is that good special advisers are extremely good for the smooth working of the Civil Service and its relationship with Ministers. Bad special advisers are toxic and, in the end, bring their Ministers down. That is a lesson the Prime Minister might want to consider.

3.28 pm

Baroness McIntosh of Pickering (Con): My Lords, I congratulate the noble Lord, Lord Rooker, on so eloquently introducing the Bill, which, as we know, achieved a sizeable majority in the other place. Like the noble Lord, Lord Cashman, the noble Baroness, Lady Ludford, and a number of other noble Lords, I was a Member of the European Parliament. I also had the honour of advising Conservative Members of the European Parliament for five years. I think the noble Baroness, Lady Ludford, and I were stagiaires together in the same year in the European Commission—not something I would care to mention in polite Conservative company in the present climate. For the reasons given by my noble friend Lord Hayward, I have no intention of calling No. 10 any time soon.

I will make a few personal remarks on why my policy on Europe has remained so strong. I have always considered myself to be a Scot by birth, British by nationality, and European, and the only comfort I take from this and other debates is that we have been assured that we will not be leaving Europe. Yet many of my friends, particularly parliamentary friends in the other place, are quite keen to prevent us remaining and reapplying to bodies such as the EEA—the European Economic Area—and the European Free Trade Area because of connotations to do with the customs union and the single market.

I also regret that many of the opportunities I had to be a stagiaire and practise European law in Brussels, albeit briefly, and to be a member of the European Parliament, will not be open to present and future generations in this country. I am proud to speak a number of other European languages—some more fluently than others—and it has always been a source of concern to me that we do not applaud or encourage that; speaking a foreign language is considered almost a bit of a crime, and one's loyalty is questioned for that reason.

I will argue strongly that the Bill is needed and, if I remember, I will end with a question to the Minister who is summing up the debate today. We have a short and very focused Bill, followed up by a letter to the President of the European Council from our current Prime Minister. It puts a deadline of 31 January 2020

that is obviously a focus of some contention in the debate today, or earlier if agreement is reached on a deal.

I would argue that prorogation is premature. It was my distinct understanding that we faced a two-year parliamentary Session that was longer than usual, but with the distinct purpose of fulfilling our legislative duty in both Houses of Parliament of passing the Bills that were required not just to prepare us but businesses, which the noble Lord, Lord Wigley—whom I consider a noble friend—referred to, such as hill farmers, who are particularly concerned. I know that the Uplands Alliance has had a series of meetings with at least 100 hill farmers up and down the country in England. Like the noble Lord, Lord Kerr, I feel that it is a privilege to have a seat in this place and to participate in debates such as this, because, as it is said when we are introduced here, we have a voice, and, even though we do not have a constituency, we can raise the concerns of others.

We learned this week that the Agriculture Bill will fall; we have not even seen the environment protection Bill and the immigration Bill; the trade rollover Bill is blocked in the other place; and we have yet to see the second trade Bill. All these have implications for the farming community—and we have not yet seen the Fisheries Bill. Why on earth, then, are we concluding this parliamentary Session prematurely before we have had the chance to thrash out what the detail will be?

In the spending review yesterday, some £400 million was allocated to Defra to prepare. Obviously, we have passed all the statutory instruments, and some we had to correct because we had done so rather quickly, but timeously. There was a reference to £30 million of support, both this year and, more particularly, next year. That raises the question of what the legal basis is for that sum of money. However, my greater concern about why we need the Agriculture Bill in particular is: how can farmers, who have concluded one harvest and are about to sow a winter crop with a view to sowing summer wheat early next year, possibly make a commercial decision until they know what the level of support will be? Arable farmers are probably the least likely to need or benefit from future support. The contrary is the case with the hill farmers: they need to know, if they produce lambs and put the ewes to tup this autumn, whether there will be a market for them. I believe that both Houses of Parliament owe it to them to give certainty about whether there will be a market. Many will be preparing for the sales of spring lamb in France next year.

I want to respond to something that I thought was quite provocative that my noble friend Lord Howard said. I greatly admire him and was a shadow Minister under his leadership in the other place for a number of years. I am not dissimilar to my noble friend Lady Meyer, although my heritage is not quite as exotic. I have a Scottish father and a Danish mother, who met on a blind date—so I am obviously very keen on blind dates. They met in Hamburg, where they found themselves allocated after the war. I formed a distinct understanding when I studied history, especially as a student of JDB Mitchell at the University of Edinburgh. I was the first intake to do a six-month obligatory course on European

[BARONESS McINTOSH OF PICKERING]

Community law, and I am absolutely bewildered that the Edinburgh Law School and the Law Society are deciding whether we need to continue to have such an obligatory course—of course we do, particularly in this period of transition as we come out of the European Union.

The reason that the original six member states pooled the resources of coal and steel was precisely that those were the two commodities that led to an act of aggression leading to two major world wars in the space of some 40 years. That is not coincidental. Further, I would argue that, when the Soviet bloc and COMECON, the economic bloc, collapsed, we in the European Economic Community, as we were at the time—now the single market going forward—were the natural economic partners of the now comparatively new member states of the European Union.

Feeling as I do for personal reasons, I deeply regret the way that my 21 heroic colleagues in the other place have been treated. I hope that they will have the Whip restored and that those who wish to will be allowed to fight the next election. I do not believe in a second referendum. I believe that the first referendum on this issue was a complete disaster. It led to the death of Jo Cox, and I believe that any future referendum would be equally divisive. We just need to go outside the entrance to this building to see why that would be the case.

I support this Bill. I would vehemently argue that we need the six Bills that were meant to be set out in this parliamentary session before we prorogue. I would sign up to a general election, but after 5 November, when I hope that we can agree a deal. The Bill before us today is instrumental in that regard.

I am sorry that the Minister is not in its place, but I hope that the Government will abide by the terms of this Bill if it is carried by both Houses, and the letter in the schedule as well. Can we have confirmation today not just that the Government will apply for an extension in the terms of this Bill but will vote for such an extension in the European Council?

3.38 pm

Lord Bilimoria (CB): My Lords, the Bill is all about preventing no deal. I remind the House that Parliament made it very clear earlier on this year that it does not want that, yet the Government are still adamant about keeping it on the table. We must not forget that it is Brexit Party policy to have no deal.

In June, I was appointed vice-president of the Confederation of British Industry. While Parliament has been turning itself inside out, something has been lost. Businesses are still struggling with crippling uncertainty, hampering investment and productivity—the uncertainty that the noble Baroness, Lady Neville-Rolfe, spoke about. Let us be clear: no deal would be far worse.

Over the past couple of weeks, the CBI has travelled up and down the country gauging firms' preparations. Three things have come out of that. First, no deal would not see an end to the Brexit impasse; instead, we would be starting negotiations from a worse position. Secondly, larger firms have already spent billions preparing

for no deal but they cannot be protected: they can prepare, but they cannot be protected. Thirdly, we know that smaller firms have neither the time nor the resources to plan properly. I can give the House example after example: a small IT consultancy firm in the north-east is worried that its largest customers in manufacturing, distribution and transport are putting off decisions because of uncertainty. An East Midlands SME with 110 employees is worried about whether or not the current rules will work after 31 October. A manufacturer making specialist materials in the north-west, which currently exports 91% of its products and imports all its raw materials, has made it clear that its profits will suffer greatly and it will be challenged to make investment and grow in the future.

That is why it is important that on both sides, if possible, a compromise and a deal should be brought about. Businesses want certainty. They want the Government to get on and deal with the domestic priorities—some of which were mentioned by the Chancellor, Sajid Javid, in his recent statement, which is all good—but Brexit is still overshadowing everything.

Time and again over the three years I have said it is not only what we think about what is happening with Brexit but what other people around the world think about us. I do not know how many noble Lords saw it but an open letter was published this week. I am going to read part of the letter because it is so important. It says:

“We, the undersigned national business federations from eight countries and representing over four million businesses, are gravely concerned about the possibility of the United Kingdom leaving the European Union without a withdrawal agreement in place.

Companies from our countries have invested—trillions of pounds—

“in the UK ... supporting jobs, growth, and prosperity across the country. We deeply value our economic relationship with the UK given its favorable business climate, characterized by transparency, regulatory stability, respect for the rule of law, and a long-standing commitment to international collaboration.

A decision to leave the EU without a deal would create substantial uncertainty and disruption for businesses, workers, farmers and regulators alike. The prospect of lengthy waits at the border, restrictions on intra-company transfers of workers, the fragmentation of regulations and standards, and doubts about free flow of data and e-commerce represent significant risks ... Significant potential changes to the UK's immigration policy”,

also raise concerns. It continues:

“Firms would be forced to make decisions about supply chains and investments in the UK without knowing what the future terms of trade will be. They will also need to evaluate the legal, contractual and geographic changes needed to ensure their continued ability to serve customers in the UK and across Europe.

Such disruptions are bound to affect jobs, consumer choices, and the cost of goods and services. The UK walking away from its largest trading partner in an abrupt manner also sends concerning signals to trade partners considering bilateral agreements in the future.

We therefore urge the UK and the EU to reach an agreement that includes a meaningful transition period and to swiftly conclude an ambitious agreement regarding their future commercial relationship that supports jobs, growth and prosperity in the UK and across Europe”.

Who are the signatories? They come from across the globe: the Australian Industry Group, the Brazilian National Confederation of Industry, the Canadian Chamber of Commerce, the Federation of Egyptian

Industries, the Japan Business Federation, the Federation of Korean Industries, Business New Zealand and the United States Chamber of Commerce. This is what the whole world thinks we should do. It is beyond what experts think, let alone what the CBI has been saying.

I remember clearly that two days before the election in June 2017 I was sitting next to my old sparring partner Michael Gove, the Chancellor of the Duchy—he led the Oxford Union debating team for two years running and I led the Cambridge Union debating team for two years running; we were opponents in the annual varsity debate. I said to him, “Michael, we are in this mess thanks to you”. He said, “Karan, you cannot say that”. I said, “I am saying it, Michael”. He said, “Well, Karan, you will be thanking me in 10 years’ time”.

This was brought to light in an excellent article by Jeremy Warner in the *Daily Telegraph*. His argument was that no deal would prolong the economic uncertainty, not end it. He started by saying that he has been told repeatedly by his Brexiteer friends, “Don’t worry. If there is any damage, it will all be fine in the long run”. The noble Baroness, Lady Bull, said in her very good speech that it is not just a question of getting Brexit over with. I call a hard, no-deal Brexit the Nike Brexit. Like the sportswear firm, it is saying, “Just Do It”. It is the just-do-it Brexit. Well, we will just do it and then what? Jeremy Warner has said that the idea that getting Brexit over and done with would provide,

“the finality and certainty that everyone so much craves, automatically ushering in a period of economic rebirth, is sadly misguided”.

Jeremy Warner also cited the example of the currency markets. On Tuesday sterling hit its lowest level against the dollar since the 1980s. The main problem is that people around the world are concerned about Britain’s political situation, which they see as toxic. A country that has always been respected for its stability is now seen as being exactly the opposite. Confidence is draining out of our economy. According to Jeremy Warner, economic indicators for the UK are flashing red. The manufacturing Purchasing Managers’ Index reveals economic data which shows that factory output is at its lowest level in seven years. People who are very pro Brexit say, “Europe is going nowhere. Germany is going down the tubes and it is going to have a recession”. That is bad because a declining pound in Germany makes it less competitive for the Germans to export to us, one of their biggest markets. For the UK, while the low pound is great for exports, within the whole concept of the economics of import substitution, you cannot make economic substitutions overnight. You have to build up your capacity, which takes many years. The weakness of the pound as a help to exports is not an instant fillip to the economy or to businesses.

The main point is that as a country we are net importers. If the currency weakens, products on the supermarket shelves become more expensive and consumers suffer. Just as real wages have been showing signs of breaking free after the financial crisis, there is a threat that incomes will sink again. This is not Project Fear. The noble Lord, Lord Rooker, mentioned the Yellowhammer report. We still do not have the full version of that report. I do not know whether a Minister will respond to this debate, but perhaps the noble Baroness can tell us—

Lord Balfe: My Lords, the noble Lord has raised an interesting point because I notice that the ministerial Bench has been thinly populated. I wonder whether the person currently occupying it can tell us whether there will indeed be a ministerial response to this debate, and where the Minister is.

Baroness Chisholm of Owlpen (Con): My Lords, there will indeed be a ministerial response and I think that my noble friend the Minister will appear very shortly.

Lord Bilimoria: I thank the noble Lord, Lord Balfe, for that intervention and for the reassurance given by the noble Baroness. Could we know whether the Yellowhammer report will be released to us in full?

I conclude by saying that there is no running away from this. In our upcoming trading relationship with the EU, we cannot run away from the fact that over 40% of our exports go to Europe, while over 50% of our imports come from there. There is no point in saying that the United States economy is bigger than that of the whole of the European Union. It is, but it makes up only 18% of our trade. We need a reality check. Moving to WTO terms will not be a panacea at all. The uncertainty will continue and the irony is that during any negotiation period, if we leave with no deal, where would the negotiations start? They would start with money, citizens’ rights and the Irish backstop. The EU would refuse to engage in any other matters until those three issues had been settled. That is the reality. This deal is not a deal. We have not even started on the real deals for negotiating our trade, our security and the movement of people. All the things that are important to our future are yet to be negotiated. It is essential to prevent no deal. It is wrong to call this a surrender Bill. You surrender to the enemy. The European Union is not our enemy but our best friend. You stand a much better chance of negotiating in a friendly and open manner, trusting and being trusted by each other. I have gone through many negotiations in my business life. The more amicable they are, the better the results for both parties concerned.

The right reverend Prelate mentioned “great” Britain, which has always been global Britain. Let us resolve this deadlock and continue to be the Great Britain that countries around the world have always respected.

3.50 pm

Lord Green of Deddington (Non-Aff): My Lords, the debate has been very interesting and wide-ranging. I was especially interested in the contribution of my noble friend Lord Kerr. However, there has not been much mention so far of what I will call “real people”—people outside this Chamber. I should like to focus briefly on one of the major factors that underlay the outcome of the referendum. I refer, of course, to immigration.

The immigration issue has not gone away and it will not. There is a lot of talk about the 17 million people who voted to leave the EU and the 16 million who voted the other way. I am speaking for the 30 million people who want to see a reduction in immigration to this country.

[LORD GREEN OF DEDDINGTON]

It is true that the salience of that issue has declined considerably in the recent months—and indeed years—since the referendum. There are three reasons for that: many assume that Brexit will sort it; the migration crisis in Europe, which was exaggerated at the time, has somewhat faded; and Brexit demolishes the salience of every other issue you can imagine.

The public are right to be concerned. I will mention just two examples, and I will be brief. If immigration continues at current levels, we will add 1 million people to our population every three years—that is the population of Birmingham, along with all the infrastructure and so on that we will need. The second issue is housing. Again, at current rates, we will have to build a new home every six minutes, night and day, for the new families joining us.

If we look ahead, there is a serious risk that, as far as immigration is concerned, our last case will be worse than our first. The present Government are now proposing an Australian-style points-based system, without apparently realising that we have had such a system for 10 years, and apparently without being aware that the situation in Australia could hardly be more different. It seems that the expression is popular with focus groups, and that is the reason that it is now the basis of policy on a matter of real importance to, as I said, 30 million people. I find that disgraceful. We need a serious attempt to tackle the issues underlying this.

It gets worse. The Government are also contemplating a significant lowering of the skill and salary levels that will qualify people from around the world to come to this country. We have calculated that approximately 9 million jobs in the UK will become more open to international competition than they are now.

Finally, if the outcome of this whole saga is that we merely substitute non-EU for EU workers, with no significant reduction in the numbers, I believe that confidence in our political system will suffer a very severe blow.

3.53 pm

Lord Oates (LD): My Lords, the Bill should be unnecessary. If we had a Government we could trust and a Cabinet that took an interest in the real and devastating impact that no deal will have on people, it would be. The Government have no mandate for no deal, which is expressly opposed by the elected House, yet they appear determined to impose it on this country by hook or by crook—mainly by crook.

I will not detain the House for long. Some excellent speeches covering many areas have been made and have brought to light the full impact of no deal, whether on Northern Ireland and the peace process or on our farmers and businesses. I want to raise one issue: the British citizens currently living in the European Union. Leaving without a deal means that they are left with no framework under which to operate. It is causing huge fear and anxiety among British citizens across the European Union. The one thing that I find most astounding about the proponents of no deal is that they talk in such broad terms. They say, “We’ve

got to get this done. We’ve got to get it finished”. It will not be finished. The misery will have only just started for millions of people.

I was particularly impressed by the speeches that addressed the detail of our leaving without a deal. The noble Baroness, Lady McIntosh, outlined for us the impact on farmers. The noble Lords, Lord Hain, Lord Mandelson and Lord Patten, and others outlined its real impact on people in Northern Ireland. I want us not to forget the impact on British citizens in the European Union, many of whom are in absolute fear.

Recently, I received an email from a British citizen in France. He said:

“On 31 October, I will become a third country national with a lack of clarity about my rights. Worse, my ongoing healthcare provision looks decidedly dodgy. Basically, my life quite literally depends on the medication that I have to take every day, night and morning. If anything disrupts my ability to obtain the level of healthcare I currently enjoy, my life could be threatened”.

He went on:

“The Boris Johnson Government fills me with dread, as I witness a boost to the pull-up-the-drawbridge brigade in the Conservative Party”.

He finishes:

“I don’t know if you remember, but I worked for the Conservative Party for 30 years. I have considered myself a Conservative for 63 years—but no longer, as I now feel that my party has left me”.

If we leave on 31 October with no deal, we will plunge EU citizens like him, and many hundreds of thousands—indeed, millions—more, into a situation of fear and concern where they do not know whether they will be able to access health services, where the health services in EU countries will not know how they will be properly remunerated and where there will be a lot of confusion. I ask noble Lords, when considering no deal, always to consider the people. This is not an abstract concept; this is about the real impact on people’s lives. We should not allow no deal to go ahead in this underhand way. I therefore support the Bill.

3.58 pm

Baroness Finlay of Llandaff (CB): My Lords, my noble friend Lady Bull outlined some of the problems very clearly. I want to build on the comments made by the noble Lord, Lord Oates. On reciprocal healthcare, we must remember that 27 million people hold a UK-issued European health insurance card. If the 190,000 UK pensioners who live elsewhere in the EU were to return to the UK, the cost of their healthcare alone would be between £500 million and £1 billion per year. Yet nowhere have we seen provision for this kind of movement happening.

The BMA has just published a document—I declare my interest as a past president—entitled *A Health Service on the Brink: The Dangers of a “No Deal” Brexit*. It is littered with questions that should have been answered during the years since the referendum. We have nearly 22,000 European graduate doctors in the UK, a third of whom have said they are considering leaving. We need reciprocal arrangements for their qualifications. We have 10,000 medical vacancies already. If a third of those doctors go, we will have even more. When people turn up with their sick child or another family member, and have an even longer trolley wait than they have now, or when their relative dies because

they cannot get the healthcare they need, the headlines will change dramatically. Sadly, I worry that some implications for individuals in our society have not hit home, in part because we have not told them, openly and honestly, what the implications are.

I have been privileged enough to be a member of the European Advisory Group to the Welsh Government. As the noble Lord, Lord Wigley—I would say “my noble friend”—knows only too well, the concern over farmers is enormous. The concern over fair distribution of food in the event of shortages, because of our rural areas, is huge. We have many SMEs that create component parts, which will almost certainly become non-viable in the event of no deal. Our ports have been trying hard to make provision for the future, but the sudden catastrophe of no deal will jeopardise our economy in Wales. As is known, Wales already has socio-economic problems that go back a long way through our history.

Finally, when considering the implications of no deal, remember all those groups that we will suddenly drop out of. The European Reference Networks look at rare diseases. They are the eyes and ears looking at where disastrous epidemics, pandemics and new diseases are emerging. Without that intelligence, strange conditions will just turn up in emergency departments around the country, with no information ahead of time. For those and many other reasons—the debate has been long and interesting—I strongly endorse the comments made by my noble friend Lady Bull and support this legislation.

The Earl of Listowel: May I ask my noble friend about implications for the structural funds from the European Union? I understand they have been helpful to Wales in the past. Is she confident that they will be replaced?

Baroness Finlay of Llandaff: I am grateful to my noble friend for that question because, no, I am not confident that they will be replaced. I know that the Welsh Government have asked the Westminster Government for evidence that the funding will come through. A Statement was made by the Minister about CAP funding for farmers, but many other areas are of concern. People in Wales may not have been as aware of some of the implications as they might have been, nor of how important that infrastructure funding has been in previous years.

4.03 pm

Lord Lea of Crondall (Lab): My Lords, just over a week ago, Ministers started to backtrack on an important announcement made by the Prime Minister two weeks previously that he would respond to Angela Merkel on his alternative way of dealing with matters raised by the necessity of the backstop. That necessity is that there needs to be some way of continuing the internal market and customs union in the context of the border between Ireland and Northern Ireland. A week today, when we will not be here, will be the red-letter day for the reply that the Prime Minister has promised to give Angela Merkel. Does the Minister still expect such a reply to be given, or is this another of those commitments that disappears into thin air after a few days of media?

What could the Prime Minister have said, or could still say? It is logical, and in line with the provisions of the Bill, which I think will undoubtedly be enacted, that another way of looking at the backstop question should be seriously considered. It is as follows: that in order that we have no border on the island of Ireland, therefore, on both sides of that border, there is common membership of the single market and the customs union. Some people in Northern Ireland then say, “But there could be a dotted-line boundary in the Irish Sea”, to which the answer is that the whole of the British Isles needs to stay in the internal market and the customs union. By the way, that was very near to being adopted by the House of Commons, but at the time there was competition between two or three similar alternatives. People say with a degree of vehemence, “Of course, there is no consensus in the House of Commons for anything remotely like that”, but that has not actually been tested in the House of Commons recently.

That would also deal with the key question posed on many doorsteps in this country along the lines of, “What have the Romans ever done for us?”. We in the trade union movement—I was heavily involved in this in the TUC—know that with an internal market, it is essential that you have a way to deal with undercutting by anyone competing with us who is a member of the internal market. The answer to that, given by Jacques Delors in 1988, was collective bargaining at a higher level, so there is an understanding, an undertaking, by qualified majority voting if necessary, on the baker’s dozen of important rights for part-time workers, and so on—I will not enumerate them now. None of that will be possible without the guarantees which can alone be given by staying in the internal market.

That is one of the things that the Romans have done for us, and I ask the Minister to confirm what he has said previously in a slightly different context: “Yes, we will give those guarantees”, but how can we believe government guarantees? Therefore, we need the whole of the British Isles to stay in the customs union and the internal market.

4.08 pm

Lord Wilson of Dinton (CB): My Lords, I have listened to, I think, nine hours of debate, yesterday and today. I was not going to speak but I somehow think I have to. There are so many things I could say, but I want to make just three points. First, I thank the noble Lord, Lord Rooker, and those in the other place who have put together this Bill. It may be a very important example of cross-party working. It is 50 years since I sat in the official Box in this House, and I have been observing its proceedings regularly for that period. I have a sense at the moment that we are in a watershed. Things will never be the same after these Brexit years, not least because Brexit will be with us for 10, 15 or 20 years. It will divide the country, whether we leave or stay, and we have a huge problem dealing with it. Part of that problem is that our political institutions are not keeping up with the world, which is changing around us. At some point we will have to look at ourselves quite radically to ensure that we can keep up with what is expected of us. We are not helping ourselves in the way we are carrying on business at the moment.

[LORD WILSON OF DINTON]

Within that, the position of political parties is becoming a problem. I should never talk about political parties; I lack the gene that gives people passion for them. I have for a long time been very privileged to observe politicians closely and I have never, ever understood them. I just accept that I am not “one of you”. Equally, I know the importance of parties. At the moment, both in government and in political and party affairs, there are too many moving parts and too many fixed structures in my life are no longer stable or reliable. That is an unnerving feeling. If I am honest, the dismissal of 21 members of the Conservative Party appals me—I am not a politician but it appals me. It is over 50 years since I observed a number of leading Conservative politicians—the now noble Lords, Lord Howard, Lord Gummer and Lord Lamont, and Mr Kenneth Clarke—in the Cambridge Union. I remember Kenneth Clarke as a blonde, tall, slim chap with a northern accent, and I am utterly dismayed to find his contribution treated so cavalierly.

Listening to the debate and watching what is going on, I feel that I am living in a world that is going mad. Too many things are happening. I cannot be alone in feeling that—it is not just my age; it is true. We need sanity. There is sanity in this House and within the parties, and we will be rescued only if sane people can overcome their differences, act in the national interest and work together. This Bill is an example of that. Maybe it will lead to a referendum because I cannot see how a general election will get us out of our difficulty; what will happen if we again have a hung Parliament? So perhaps there will be a referendum. That is my first point: be true to your parties but also look at the national interest before your party interest when needed.

My second concern is that there is a need for a view about the future of this country in the world. The world around us is changing fast. We are in the middle of a technological revolution that I think is greater than the Industrial Revolution. Just 15 years ago we did not have smart phones and apps but now they are an indispensable part of everybody’s lives. Social media is changing the whole political context not just in this country but in other countries. I have recently chaired conferences and have learned that I can chair meetings without understanding a word of what is said. I chaired a meeting in Cambridge on quantum computing and another on blockchain, which is even worse. I also chaired one on DNA—on CRISPR-Cas 9 for those who are interested.

The things that are being brought to fruition in the world of research at the moment will alter the world more in the next 10, 15 or 20 years than has been the case in the last 10 or 15 years, and that has been fast enough. We in the political world and in political institutions have to keep up with and understand those things. Brexit is important but it is not the only change that is happening, and we need to have a view of the world, as the noble Lord, Lord Campbell, said earlier. We need to have a view of our place in the world and of how we will cope with it and be equipped to deal with it. It is not my field but the tectonic plates of world politics are changing. America and China will dominate the scene. Europe will not be the centre

of the world, as we have thought of ourselves. The need to have a position in which we can choose between America and China, when each of them puts pressure on us, will be important. We will lack company if we isolate ourselves from the rest of Europe by behaving badly towards it and having no deal. The context of all this will be fundamental for the future of this country in a way that goes deeper than just politics and economics; it will be cultural too.

I am hugely bothered by the way in which the word “trust” has been used. I am used to people trusting government institutions. Part of my career has involved trying to uphold trust and ensure that people know where the boundaries are in a pragmatic way. One of those boundaries, as my noble friend and successor said just now, concerns special advisers. A lot of my time was taken up with special advisers and I have a detailed question for the Minister when he replies. There were, and I think there still are, rules governing special advisers, one of which was that they are temporary civil servants and do not have Executive powers. Can the Minister assure us that present special advisers are not exercising Executive powers? For instance, sacking another special adviser is the exercise of an Executive power. Special advisers do not have such powers. If someone purports to sack someone and they do not have the power to do it, is that sacking valid? I assume that this has been looked into and that the Government know what is going on, but I raise it because it is a small example of a more general principle. We need to ensure that the codes of conduct—not just gentlemen or good chaps behaving well but the basic rules of government—are being observed. I feel that, at the moment, when people feel able to be careless and cavalier with conventions, we ought to ask whether basic principles are being observed and challenging when they are not.

I think that is enough for now. I could go on at length about the principles at stake today, but so much has been said that I agree with and I will not repeat it.

Lord Wallace of Saltaire (LD): My Lords, this has been a very useful debate, but I think the House may agree that it is perhaps now time to wind up. Today’s has been a much more constructive debate than last night’s—oh, I give way to the noble and learned Lord.

4.16 pm

Lord Mackay of Clashfern (Con): I did not realise that we were coming near to winding up. I was asking what the proper time to end was: I wanted to speak near the end so that I would hear the wisdom of others rather than my own.

I want to talk a bit about the history of this matter in the House of Commons and then say a word or two about the Bill. Obviously, the question arose immediately after the referendum of whether the result should be implemented. The referendum itself did not contain, as the Supreme Court pointed out, any mechanism for implementing the result; therefore, it was for Parliament to find a way of implementing the result. The Prime Minister of the day, who took over from David Cameron, undertook to implement the result of the referendum and set about doing so, indicating principles by which she would be guided, sometimes called red lines. I want

to mention one aspect of that. The customs union and the single market were particularly important, but as I understand the present rules of the single market and the customs union, they forbid a member state making contracts for trade with others. Therefore, part of the desire in the referendum was to open up trade for the United Kingdom to other jurisdictions. Therefore some modification, but only some, to the customs union and the single market was necessary.

I want to particularly mention Northern Ireland, because I believe that to be fundamental: as far as I am concerned it is the most important problem. As far as I can see, and I have tried to think about it as much as I could, it can be solved properly only by having the same basic rules on both sides of the border. If not, there is bound to be a hard border and I think I am right in saying that the European Union rules require that the boundaries of the European Union are set by hard borders. It therefore seems that if we are to leave without a deal there is bound to be a hard border in Northern Ireland. That would be a disaster, because the arrangements there are extremely tender, very important and vital to securing the peace of Northern Ireland. So far as I am concerned, that is a vital point; it has been from the beginning and remains so.

Eventually Mrs May managed to get an agreement with the European Union, and she put that before Parliament on more than one occasion. I venture to suggest that one way of dealing with that problem was that if somebody wanted to change any detail, any part or indeed the whole of that, they should put forward an amendment to the Motion to approve it. That would seem to be the reasonable way in which such a thing could be done, but so far as I know that has never happened and the only amendment to the arrangement suggested that an alternative should be found to the Irish backstop. Of itself, that does not change the arrangement. You have to answer that and find the alternative; my noble friend indicated the possibilities, and these are quite difficult to completely understand. I do not think that so far they have been completely accepted by the Government for negotiation. I sincerely hope that these matters will be brought forward if the Government are to proceed with the negotiations.

The result has been a lot of discussion in the House of Commons about various matters. The important thing to remember is that the withdrawal agreement is a legal document and has legal effect. Added to that is the political declaration. That is a document of intention, not legally binding in the same way as the withdrawal agreement, and I understood that the European Union had said it wanted the withdrawal agreement to be fixed before it had substantive discussions on future arrangements. One of the aspects of the present arrangement that Mrs May negotiated was a period of two years' transition. That is an important safeguard against the sort of cliff edges we have been hearing described in the course of this interesting and in some ways extremely saddening debate.

The result is that nothing has really happened to change that proposal. It has been turned down, but without any explanation of how it could be improved. I honestly think that the House of Commons has lost an opportunity in that respect. Noble Lords will remember

that it had some debates and indicative votes about what it wanted. Most of these indicative votes, so far as I remember, were concerned with the political declaration. Indeed, the discussions that took place after the then Prime Minister opened them up with Mr Corbyn were of that kind—that is to say, they dealt mainly with the political declaration. Agreement on that is not essential to the withdrawal. I believe it is important to try to distinguish between the two.

That brings me to this Bill. It asks that the Prime Minister should write to the President of the European Council asking for an extension. I remember pointing out—I hope humbly—when this appeared in the earlier Bill that no reason was given for the extension. Well, this Bill has a reason given for the extension, and a very interesting reason it is. It says the extension is made,

“in order to debate and pass a Bill to implement the agreement between the United Kingdom and the European Union under Article 50(2) of the Treaty on European Union, including provisions reflecting the outcome of inter-party talks”,

in relation to the political projection.

That suggests to me that the proponents of this Bill believe that the agreement that presently exists, and is the only one as far as I know, is to be implemented after it has been further discussed with a supplementary point about the political declaration. If that is correct, this Bill goes a very great distance towards securing what is required in the way of a withdrawal agreement, which is not no deal without an agreement, but an agreement that has already been passed by the European Union and which the House of Commons has dissented from so far. It looks as though this promises that it will be passed. In that sense, if I am right about that, it is quite a considerable Bill. It suggests the possibility of very substantial progress towards a deal for taking us out of the European Union. On that interpretation, I believe that a good deal of the talk that we have had about no deal is set aside by this in a direct and constructive manner.

4.26 pm

Lord Empey (UUP): The noble Lord, Lord O'Donnell, is not in his place right now but, before I begin my remarks, I wanted to mention the problem of spads, because it is not only here that they have caused problems. I personally believe that a lot of the problems in Northern Ireland are the result of spads out of control and their Ministers creating a culture where they can function, interrupting the normal flow of business in the department. That is something that, as a country, we need to examine, because it has a serious impact on our structure of government.

During the debate, a number of Members, some of whom have considerable experience, have been kind enough to refer to the problems in Northern Ireland. We know that that has been at the core of the blockage to progress for quite some time—though it is not confined to that, because there are quite a number of Members in the other place who see a range of other problems with the withdrawal agreement and would wish to replace that and have an entirely new negotiation.

I think it is true to say that the negotiation has been wrong from the very beginning. Someone said that we should have tried to get more of a cross-party consensus

[LORD EMPEY]

before we started the negotiations and, I have to say to noble Lords opposite, their leader was first out of the trap to call for triggering Article 50 immediately after the referendum, which seems to have been forgotten in discussions. He was out there wanting that done before we had even agreed a negotiating position.

The danger with the Bill—it is most unfortunate—is that it puts us into a further period of purgatory where we do not get an agreement. My sense is that what we should concentrate on in Parliament is finding alternatives. We need solutions. We do not need to rehearse the arguments of the referendum debate again and again. I just point out that, in 2015, when the referendum Bill became law, 554 Members of the House of Commons voted for it, and we were no better. Having let Pandora out of the box, we are now confronted because, for political and party reasons, we let a particular process emerge that was different to our normal parliamentary process—and then we complain about the problems created by it. It has been done by our own hand. We all, on all sides of this House, live in glass houses and that is something we need to reflect on as we move forward.

I believe there are alternatives, and I have been trying with colleagues for some months now to influence government and to speak to other people to look at what they might be. The noble Lord, Lord Howell of Guildford, referred to the alternative arrangements working group. I understand that its work—I have seen some of it, but I have not read every detail—is terribly technically focused. Many of the problems we have in all parts of Ireland are not technical. They go to the heart of what people feel is their identity. Some feel that they have been short-changed. They supported the 1998 agreement and feel that this process upsets that. Others are exploiting the situation for cynical reasons. Sinn Féin is the most anti-European party in Ireland. It has opposed every treaty. It has opposed everything from the 1970s, and its support for it now is purely from the teeth out.

Leaving that aside, let us focus on what possible alternatives there could be. Instead of being a problem for the Belfast/Good Friday agreement, why do we not use the agreement and some of its institutions and precedents as part of the solution? I have mentioned this to noble Lords before. With some modest devolution from here to Stormont, perhaps based on trade issues and others, I believe that we could address the democratic deficit created by the backstop where Northern Ireland would be receiving regulations from Brussels but would have no representation there. It would be a rule taker and effectively a European colony, and over time a gradual difference would emerge between Northern Ireland and the rest of the United Kingdom in terms of rules and regulations.

It seems to me that it would be appropriate for a number of measures to be taken. We need to send a signal to our European colleagues that we take their single market seriously. We need to make it clear that, if anybody uses United Kingdom territory to export goods to the European single market that are not compliant, that is an offence. We should create a new north/south body under the 1999-2000 treaty specifically to deal with cross-border trade issues.

I was Trade Minister for some years in Northern Ireland and set up two of the six cross-border bodies—InterTradeIreland and Tourism Ireland. They have worked for 20 years. The six bodies have staff working on both sides of the border. There is no problem. There are no complaints. They get on with their business and it is totally acceptable. I see no reason why that body should not have at least two functions. We both start with the same rulebook and the same regulations on education. Any new regulations coming from either side could be notified to that body. It could then ensure that the totality of the people who export into the Republic are advised of the regulations and the same would apply the other way round.

You could further ask them to ensure that, if they see any sign of inappropriate movement of goods or processes when visiting depots and companies, it is reported to the relevant authorities. Do you realise that if the backstop were implemented as it stands to date, goods coming from Great Britain to Northern Ireland would have to be treated as coming from a third country? There was mention of that in other speeches but not in that context. It creates a huge problem for us because it is the beginning of a separation process. I think that that is unnecessary and extremely difficult.

The cry from Dublin and Brussels is that we need an insurance policy. I get that. I think this insurance policy should be that the United Kingdom should indemnify the European Union by treaty. If our territory were used to export goods not covered by European rules to the Republic, we would have to indemnify them. If we found that goods slipped through, it would be our responsibility to them. People can always smuggle, whatever agreement you have, but it would mean that the insurance policy would come from us, by treaty. With the cross-border treaty, you could join the EU to that treaty, so that the body which would operate and be democratically answerable both to Stormont and Dublin could have EU observers, or they could be linked into the treaty. There would be no secrets; it would all be above board. The North/South Ministerial Council to which that body would report is an existing, widely accepted institution. We also have the east-west dimension, with the British-Irish Council, which could also have a role. Instead of the agreement sitting there as a threat, it should be used as part of the solution.

There are these technical schemes, such as trusted trader status. I get all that. The big problem we have in Ireland is not simply technical. It is people feeling that they have been short changed and that they are in a situation not of their own making and which is out of their control. We could give them this control back.

My party does not have the technical back-up and support necessary to work out the detail. At least the Taoiseach said, when we released it the other day, that he was prepared to look at it. It is easy to say that; it does not mean anything. Instead of having the referendum argument all over again, we need to spend our time concentrating on solutions. Only solutions are going to avoid the difficulties of leaving the European Union in a disorderly manner which does not suit anybody in Ireland—north, south, east or west. I certainly do not want to see it.

There is another thing that people forget. There is a land border of 300-odd miles—we know all about that. The vast majority of material moving between Ireland and Great Britain does not come across the border. It goes from Dublin to Holyhead and Fishguard to Rosslare. Some 80%-90% of Irish goods travel on the British land bridge. They either go to the UK market or to the European or world markets. The north-south trade flows represent one-tenth of 1% of EU trade flows. Of total imports to the Irish Republic from the whole of the world, only 1.6% comes from Northern Ireland. The vast majority of this is agri-food and animals. It may be 1.6% of imports to the Irish Republic, but it is a bigger percentage of our exports, so a lot of our small businesses depend heavily on it. It is a bigger deal for us in many respects than it is for them. Their problem is the exports to Great Britain, where for instance 55% of their beef comes to the UK. This is a huge quantity which is not going to be replaced by other markets in five minutes, particularly if you get 45% tariffs applied.

Let us redouble our efforts and stiffen every sinew to find solutions. There is no point in arguing over who said what in 2016 at the referendum. Everybody is to blame either through sins of omission or through sins of commission. We all put our hands up for the legislation. Let us look for solutions. I accept what the noble Lord, Lord Howell, said. Those technical issues are part of it, but we need—

Lord Lea of Crondall: Is the noble Lord not effectively saying that the whole of the British Isles should be part of one internal market and customs union?

Lord Empey: If that is the case, why would we leave the European Union? If the noble Lord is arguing that the referendum results in us staying in the customs union and the single market, I do not see what the point of leaving is because the whole rationale is different. It is all right saying that here, but we must not forget that the coalition Government brought this legislation into Parliament in the first place. We must remember that everybody has had their hands on this issue, and not always with distinction. Let us focus on solutions that can work.

Lord Brooke of Alverthorpe (Lab): My Lords, I have not spoken on a European issue for two years—

Lord Empey: I am sorry. I thought the noble Lord was intervening and was giving way. Perhaps the noble Lord is giving me a hint. I have not quite broken the record of some distinguished noble colleagues in making the 20-minute mark, but I urge colleagues that we need to be prepared to open our minds. We do not want a disorderly departure or to have the can continuously kicked down the road or to retain the uncertainties that not having a solution brings. I think that, despite what people say about their negotiating tactics, with what has been said by Chancellor Merkel and President Macron, the time has come for Her Majesty's Government to put some solid things on the table, and then we can get to grips and have a proper negotiation. Once things are on the table, people will have to say why they reject them and if they cavalierly dismiss them, they will be weakening their case in public opinion.

4.41 pm

Lord Brooke of Alverthorpe: My Lords, I am very grateful to have the opportunity to speak. I have not spoken for two years on European issues, and I certainly will not speak for 15 minutes. I accept my responsibility. I have been a pro-European all my life. I have been very active in the House of Lords in European Union committees and am very much in favour of staying in Europe. But I was responsible in part for us coming out of Europe, like many other people, because I did not make the case for Europe with the public in the way we should have done over the years, and certainly I did not play my part in the referendum campaign to the extent that in retrospect I believe I should have done. So I accept my responsibility.

I have been a remainer from the beginning, but I have watched the way changes have been taking place and the way that the country has become ever more divided—not many people have spoken about that today—and I recognise that, in accepting my responsibility, I have to shift my position as a very clear-cut remainer who wanted in principle to stick with remain all the way. I have now shifted my view; I am moving towards the deal that Mrs May reached.

I welcome the Bill, because it gives us time for a little more reflection and may start bringing together more people who are prepared to make little compromises to try to find a solution that will produce two results. First, it will take us out of Europe. I do not want that, but I am prepared to live with it because I suspect that the divisions happening with us, in Europe, in America and all around the world are part of a shift that is taking place and cannot be stopped. So I am prepared to go some way with it. Secondly, I want to have terms and conditions that are acceptable and will benefit the people of this country, and that will not be immediately harmful, even in the short term for a few years, but will broadly represent where people stand at the moment. If it is a soft settlement, it will go some way towards ending the divisions within families, communities and groupings by bringing us closer together. That will be on the basis of coming out, but with a soft landing.

This Bill provides us with that opportunity, if we have people of goodwill. The noble and learned Lord, Lord Mackay, put his finger on the solution, which has been on offer since Mrs May came to the end of her negotiations and which is now in the political declaration. I do not remember precisely which clause it is, but in either Clause 17 or Clause 19 there is an offer from the Commission for further negotiations on the backstop. This has not been pursued by anybody, but it is there, it is on offer and it is time that people of goodwill came together and picked it up. They would then get a deal that could come back to the Commons and command its support. Then, at the end of the day, it should be put to the people to have their view on it.

So I have shifted, and I hope that, if we are really serious about trying to find a way forward, and having listened yesterday to the coarseness to which we almost descended in some of our exchanges, we will put that to one side and come together as we truly should to represent the best interests of the people.

4.45 pm

Lord Ravensdale (CB): My Lords, I speak as a remain voter, but one who is convinced that the referendum result must be respected. I want to focus today on the central issue of trust. There have been some really good points made on trust between this place and the Government—particularly those made by the noble Lords, Lord Hayward, Lord O'Donnell and Lord Kerr. I entirely concur with those points, but there is another angle to trust: the trust between Parliament and the people. That is the point I want to focus on today.

It was Confucius, I believe, who said that,

“three things are needed for government: weapons, food and trust. If a ruler can't hold on to all three, he should give up the weapons first and the food next. Trust should be guarded to the end: ‘without trust we cannot stand’”.

I think that is absolutely right. During the referendum campaign, the people were repeatedly told by the Government that if we voted for leave, that is exactly what would happen. If, for whatever reason, we do not leave, or even continue for many years with the current paralysis—following what was, we must remember, the biggest democratic exercise in British history—it would be fatal for trust in politics, which has already been much damaged by the events of the past three years. Many already feel the gulf between the so-called Westminster elites and the people, which will only be widened by that continuing. The extremist politics we have seen on the rise in the UK in recent years could pale into insignificance against what could be unleashed if the vote is not respected.

So what has that to do with this Bill? It is a Bill that rules out the United Kingdom leaving the EU without a deal. I understand the reasons of those noble Lords who do not wish to leave without a deal. Many excellent points have been raised today about the difficulties of no deal. There would be much hardship, at least in the short term. But I work in business, as do many noble Lords, and, to pick up a point made by the noble Baroness, Lady Neville-Rolfe, I believe that it is essential to hold no deal on the table—to keep it as an option—to ensure that we can get and maintain that leverage with the EU in our negotiations that will result in a better deal for the UK.

In the end, this issue will be resolved via an election, but I believe that no deal must be maintained as an option to get the best deal for the UK and ensure that we do indeed leave and get the democratic will of the people seen through that vote.

4.48 pm

Lord Wallace of Saltaire: My Lords, we have had a very constructive debate today. It has been much more interesting and wide-ranging than the long hours we had yesterday attempting to prevent today's debate. I welcome the noble Lord, Lord Forsyth, on his return. I had understood that he was on a sleeper train to Scotland last night—perhaps he was not—but it is very courteous of him.

Lord Forsyth of Drumlean: The noble Lord is referring to me and the noble Baroness, Lady Hayter, told me off for intervening because I did not get here in time. I had to go and speak at a social care conference and

came back at the first opportunity—which I would have thought was perfectly admissible. While I am on my feet, perhaps I may correct the noble Lord. What we were doing was preventing this House from having a guillotine Motion—it had nothing whatever to do with the Bill.

Lord Wallace of Saltaire: It is all the more courteous of the noble Lord to return if he had a speaking engagement in Scotland. I regret that the noble Lords, Lord Dobbs and Lord True, and the noble Baroness, Lady Noakes, have not had the respect for the House to be here today, having detained us for so long in those circumstances last night. I hope that the Conservative Whips will make it clear to them that respect for the House in these circumstances would have suggested that attendance was more appropriate in their circumstances, as far as those of us who cut short our sleep and returned on time are concerned.

We are discussing some fundamental constitutional issues in this Bill: the relationship between Parliament and the Government. It is highly relevant to that that the leave campaign promised us that Brexit would restore not just British but parliamentary sovereignty.

Listening to the noble Lord, Lord Howard, reminded me of some of my undergraduate studies in history—the 17th-century conflicts and the emergence of the Tories and the Whigs, the Tories being those who defended the Crown against Parliament, with the Whigs favouring a stronger Parliament. However, the noble Lord referred not to the divine right of kings but to the will of the people. In some ways, this is an equally difficult concept to pin down and define.

These are very wide-ranging issues. The future of the union has been mentioned. My son now lives and works in Edinburgh and I have therefore visited it much more frequently in the last three years. I understand that the future of the union is at stake in this debate for Scotland and Northern Ireland.

Then there are the questions suggested by the right reverend Prelate the Bishop of Leeds, my noble friend Lord Campbell, the noble Lord, Lord Wilson of Dinton, and others. What sort of country do we want to live in? What sort of values do we think we are about? Do we think that we do not share European values, that we share more with the American right and that that is where we would like to be instead? We have also discussed the conventions of what we used to regard as our wonderful unwritten constitution.

Lord Dobbs (Con): I am very grateful to the noble Lord for giving way. May I apologise for my discourtesy—in his view—in not being able to be here for today's debate in its entirety? I have attended the debate and have listened to his wise words on the monitor. Sadly, there are other duties which people must attend to. I would be very appreciative if he would apologise for his discourtesy in getting his facts wrong and personalising something that should be about politics, not personalities.

Lord Wallace of Saltaire: The question is about the role of this House, the way we all conduct ourselves in this House and the way we conducted our business yesterday evening. I am very happy to discuss this further with him off the Floor of the House.

Lord Dobbs: Could the noble Lord give a little moment? This is important. I have been referred to on the Floor of the House. Will the noble Lord simply accept that these matters should be about policy and politics, not personalities? I hope that he will reflect on the fact that referring to personalities actually demeans his case and does not strengthen it.

Lord Wallace of Saltaire: I am sorry. I have not read many of the noble Lord's novels. I am sure that they do not stress that personality is important in politics. It seems to me that it is rather difficult to disentangle personality from politics. Let us discuss this further off the Floor. I even promise to buy the noble Lord a drink.

I was talking about conventions of the British constitution. I have been recalling the answer that the noble Lord, Lord Young of Cookham, gave last year when the question was raised about the Advisory Committee on Business Appointments' sharp letter to the Foreign Secretary when he resigned about the way in which Boris Johnson broke the Ministerial Code in three places within three days of resigning. The noble Lord extremely carefully stressed that the Ministerial Code is an honour code and depends upon the honour of the men who sign it, leaving the question of whether Boris Johnson is a man of honour hanging in the air.

That is part of the issue of trust which the noble Lords, Lord Kerr and Lord Hayward, and many others across the House have raised today. The matter of whether the Government would consider ignoring a law passed through Parliament if they did not like it, quoted in the *Times* today, increases the degree of mistrust. When the noble Lord, Lord Mandelson, said that he cannot believe that the Prime Minister is negotiating in good faith, he speaks for a large number of people, which is worrying. He also says that we have to remember that the Prime Minister's chief of staff is in contempt of Parliament and has written a blog showing many examples of his contempt, not only for Parliament but for most politicians in all parties. The problem, therefore, is that we cannot trust this Government, so Parliament is justified in tying their hands, which is the purpose of this Bill.

There is then the question of the role of evidence in policy-making, and of Civil Service advice and impartiality. The relationship between the Civil Service and the Government is based on the principle that civil servants advise on the basis of the best evidence they can find, and Ministers decide. What we have seen throughout this long argument about our membership of the European Community is Ministers and politicians disregarding advice and putting aside the evidence. I recall during my time in government, long before we reached the referendum, when, with David Lidington and Greg Clark, I chaired a Committee which at Conservative insistence looked at the balance of competences between the European Union and the United Kingdom. The Conservatives had insisted on it in the 2010 agreement because they were convinced that the evidence would demonstrate that business and other stakeholders would want to claw substantial powers back from the European Union to the UK.

One of the most conscientious suppliers of evidence to the 32 reports that were provided was the director of the Scotch Whisky Association, Mr David Frost. He had been engaged in this for some time and he clearly knew what he was talking about and where the evidence lay. When those reports concluded that the balance of competences as currently established suited British business and other stakeholders well, the Prime Minister's office did its best to suppress further debate.

I hope that I misheard the noble Lord, Lord Howell, when he suggested that David Frost was perhaps not pressing the Prime Minister's case on the Irish backstop as hard as he might in Brussels—

Lord Howell of Guildford: The noble Lord misheard me.

Lord Wallace of Saltaire: I am glad to hear that. We have seen a worrying number of occasions when Ministers have blamed civil servants for decisions that they should have taken responsibility for. Poor Ministers blame officials in the way that poor workmen blame their tools. Michael Gove on experts, David Davis on officials, and others have lowered the quality of political debate in this country. We desperately need to rebuild it. It is not only the Government; the noble Lord, Lord Green of Deddington, reminds us of the migration issue. I have read many of the Migration Watch UK reports over the years, with good evidence presented to suggest that the migration problem in Britain is largely a European one, rather than a global one. That helped the leave campaign very considerably, and I regret that misrepresentation of evidence. Operation Yellowhammer is the most recent example of good evidence being presented by civil servants, so far as we understand it, and suppressed by the Government because it did not fit what they wanted. Again, I may have misheard the noble Lord, Lord Callanan, on Tuesday. I thought he said that the report was based on "reasonable assumptions" about the outcome of a no-deal Brexit, and that it was a "worst-case analysis". The think tank I worked for dealt in scenario planning, and would have central analyses, and best-case and worst-case analyses. I understand that Operation Yellowhammer was a central-scenario analysis of the risks. The Government should therefore be prepared to share what they think are the potential risks of a no-deal Brexit.

It is three years since the referendum. The focus of negotiations has been within the Conservative Party and not between the UK Government and the European Union. Theresa May, as Prime Minister, was pulled to the right by the European Research Group and imposed tight red lines. There could have been a compromise. Had the Government said that we would have a soft Brexit and stay within the single market and customs union, everything would have been over and dealt with long before now. The red lines were tightened and tightened, in late 2016 and early 2017, which led us to where we are today. After three years, the Conservative Party is even more deeply divided and we now see it crumbling at the edges, with the Cummings purge and even more so with the resignation of Jo Johnson this morning, when he said he is, "torn between family loyalty and the national interest".

[LORD WALLACE OF SALTAIRE]

We need politicians to think about the national interest, although I see Twitter remarked that this is the first occasion that a Minister has resigned to spend less time with his family.

The time remaining is short. The clock is ticking and deadlines are approaching. After three years of drift, without a clear government policy on what sort of exit to take, the idea that a deal could be reached on 17 and 18 October and implemented by 31 October is as absurd as some of the other things we have heard. As the noble Lord, Lord Anderson, remarked, the legislative basis for an ordinary Brexit will simply not be there. We will be going out without the legal framework that we need; that is not an orderly Brexit. We need more time. We need more honesty about the choices, more respect for evidence, what is possible and what is not. We need a Government and an Opposition who put the national interest ahead of party factionalism. Since we do not sufficiently have these qualities in our national debate at present, we need this Bill.

5.02 pm

Lord Goldsmith: My Lords, I agree with the noble Lord, Lord Kerr, who said that it is a privilege to be a Member of your Lordships' House and to participate in debates such as this. I would make the point that I have said that before, but I am worried about being accused of dementia by the noble Lord, Lord Patten of Barnes, for repeating my previous speeches. To listen to this debate today and the contributions from such distinguished former civil servants—we have heard from the noble Lords, Lord Wilson, Lord O'Donnell and Lord Butler of Brockwell—has been extraordinary. The quality of contributions has been inordinately high, as has the thoughtfulness of the debate. We have been debating this now for six hours. Over 40 speakers, without any form of compulsion or even a speakers' list, have been able to make contributions. That is a very adequate way to allow this House to consider the Second Reading of the Bill. In light of what was said yesterday, that is important to note.

The Bill is simple but necessary. It essentially stops no deal, but not altogether. I want to make that clear. I can see the noble Lord, Lord Callanan, shaking his head enthusiastically at this prospect, because it allows no deal if the House of Commons can be persuaded to pass a Motion in support of that. Let me come back to that. The Minister will obviously add what he wants to on it. It is necessary, because there is a real concern, referred to by a number of your Lordships, over a lack of trust in the Government and that, unless they are constrained, the Government will allow us to crash out never having approved a final deal or it not having the approval of the House of Commons.

A number of your Lordships referred to the dangers of crashing out without a deal, and we have talked about this on a number of previous occasions in this House. On the whole, this House has clearly indicated its view that leaving without a deal would be detrimental. Today we heard the noble Baroness, Lady Bull, and the noble Lord, Lord Bilimoria, on the risk to the economy. On security and the union, we heard powerful and compelling speeches on Northern Ireland from my noble friends Lord Mandelson and Lord Hain and

the noble and learned Lord, Lord Mackay of Clashfern, and on important aspects from the noble Lord, Lord Empey, and others. On Wales, we heard from the noble Lord, Lord Wigley, and others. As to the risk to young people and disadvantaged persons, we heard from the noble Earl, Lord Listowel, and the noble Baroness, Lady Bull.

These are the risks that we want to see avoided. The criticisms of the Bill from the noble Lord, Lord Howard of Lympne, in particular, are that it distorts our normal process of the separation of powers. I think he has a rosier view of the separation than I do, but let us be clear; this does not prevent the House of Commons, which is the legislature, giving its approval or non-approval to an event, but says that that is necessary before we could leave without a deal—or that an agreement has been reached.

It is also to be noted, given what has been said about hampering the Prime Minister in his negotiations, that the Bill is clear that not until after the European Council meeting on 17 October does the moment come when, if he has not reached a deal or obtained the consent of the House of Commons, he has to ask for an extension. Clause 1(3) does not trigger the need to ask for an extension until 19 October. In those circumstances, that particular element of concern is met.

I return to a point made by a number of noble Lords: the lack of trust in the Government, which has resulted in a Bill which is more constraining than one might have hoped to see. I must say, as many other noble Lords have, that what has happened on Prorogation is deeply concerning. It was deeply concerning when it was said that Prorogation had nothing to do with Brexit when it was plain to all of us that it had everything to do with it. We did not need to see the documents that have been revealed in the Scottish case to know that. Now that we have seen them, however, we know that completely.

What is more, we know that the decision was made in the middle of August, at a time when it was not revealed to the House of Commons, this House or the public—or, apparently, to the Cabinet. Maybe I am wrong to see a sinister approach in that, but that sort of concern means that this House is entirely justified. The other place, whose Bill we are following, wants in the light of that lack of trust to make sure that this does not happen without either an agreement or the other House giving its approval.

It has been said that this will not solve the problem a number of noble Lords have raised. That may well be right, but it solves an immediate problem: the risk that we will find ourselves with a clock tick-tocking down to 31 October, not actually having a deal or even seeing any negotiations for a deal going on. That worries a lot of us as well. I think it was the noble Lord, Lord Krebs, who first raised the point in an intervention that the Prime Minister had said that he needed, or was happy to have, 30 days to come up with alternative arrangements. The clock tick-tocked, and we did not see what those arrangements were. We still have not seen what they are. In those circumstances, to

say that Parliament is right to insist on a clear set of rules for what will take place seems absolutely what we should do.

One of my few regrets about the debate concerns what happened yesterday, partly because we spent a lot of time with bitterness and rancour, which we do not want to see in this House. However, particularly due to the efforts of my noble friend Lady Smith and the Government Chief Whip, we came to an agreement that we can all be happy with. That is important.

I was a little saddened because, at the beginning of that debate, there was confusion between me and my noble and learned friend Lord Falconer of Thoroton. Normally, it is extremely flattering to be confused with him—I make that clear—but statements were made in the context of explaining that I had previously said things that I now appear to be disagreeing with by having made strong statements against the kind of Motion that was being put forward. I was cut by that—but not quite as cut as I was by a young French waitress recently when I was on holiday with my family, my children and their friends. They wanted to know, because there was a casino attached, what the age limit for the casino was and the young woman said to me, “There’s no maximum age limit”. Your Lordships may be relieved to know that that reassured me and I can provide the address of this excellent establishment, if noble Lords would like, afterwards.

The fundamental point is that we support the Bill. We are grateful to the other House for having sent it to us and to my noble friend Lord Rooker for putting it forward. We will have Committee, Report and the remaining stages of the Bill tomorrow. It would be good if the noble Lord, Lord Callanan, when he winds up for the Government, could repeat the assurances he gave during the debate that the Government will accept the Bill and make sure that it is in a position to get Royal Assent. As I suggested in an intervention, I hope they will advise Her Majesty to give Royal Assent. I accept that they cannot promise what Her Majesty will do, but they can give advice. We all know that the convention is that if advice is given, the monarch will follow it. I also hope that, as one noble Lord suggested, they will follow the spirit. We do not want to see any tricks, any shifting, any dodging about—whether that comes from Mr Dominic Cummings or anyone else—to get around this. If this House and the other House have said, “This is what should happen; this should be the Bill”, I hope that will be enforced and respected in the letter and in the spirit.

Given the length of the debate—I apologise that I have not referred to the excellent contributions of a number of other noble Lords—I urge my noble friend Lord Rooker to ask the House to give this Bill a Second Reading, and we will support that.

5.12 pm

Lord Callanan: I thank everyone who has spoken in the debate. I follow the statements of the noble Baroness, Lady Smith, and others and place on record the Government’s appreciation and thanks to all the House staff, officials and noble Lords for their efforts last night, and for their cordiality and good humour late into the evening. It is appreciated by all of us.

The public need Brexit to be delivered on 31 October and we cannot keep deferring it through successive and potentially indefinite extensions. Let us be clear—let us cut to the chase—this Bill is about crippling about our negotiations; it is about stopping Brexit. It will tie the Prime Minister’s hands, undermine the UK’s position and make any further negotiations impossible.

Let me respond directly to the point of the noble and learned Lord, Lord Goldsmith. He is a distinguished lawyer and he will know as well as I do that this Bill does not prevent a no-deal Brexit because, in one of the great ironies of this process, it is in fact now determined under European law under the Article 50 process. The final decision on whether or not we leave the European Union is now determined by the European Council. Let me also add to the assurance I gave him earlier that this Government will of course abide by the law. I repeat the assurances that the Chief Whip in this House gave last evening that we have received a commitment from the Chief Whip in the House of Commons that the Commons consideration of Lords amendments will take place on Monday, and that it is the Government’s intention that the Bill will be ready to be presented for Royal Assent then.

I shall say a few words about the negotiations. As the Prime Minister reiterated in the other place on Tuesday, and as the Secretary of State for Exiting the EU said again on Wednesday, this Government are committed to getting a deal. However, it is a fact that the House of Commons has rejected the current withdrawal agreement three times, and it must now be clear to our friends and colleagues in Europe that it therefore simply cannot be the basis for a deal. That is why the Prime Minister wrote to President Tusk on 19 August to set out why a renegotiated deal must include the abolition of the anti-democratic backstop. We are confident that we can negotiate a deal removing the backstop that is acceptable to both sides. The European Council’s own negotiating guidelines commit to looking for,

“creative and flexible solutions on the border in Northern Ireland”.

The Prime Minister’s EU Sherpa held his first round of talks with the Commission last week. He met the Commission’s Article 50 task force yesterday for five hours to discuss a range of issues, particularly the removal of the backstop from the withdrawal agreement. In addition, both sides discussed the political declaration and the Government’s objective for an economic relationship based on free trade arrangements. The talks were constructive and both sides have agreed to meet again tomorrow, in line with our commitment to intensify talks. The House will of course also be aware that the Prime Minister is meeting the Irish Taoiseach, Leo Varadkar, next week.

Our European partners understand that we are serious in wanting a deal, and they are starting to reflect that reality in their responses. However, if you want to leave with a deal, you have to take no deal seriously. This Government have been completely clear in our commitment to leaving on 31 October. As the Prime Minister has said many times, he hopes and expects that that will be delivered through a deal. There is no reason why an agreement cannot be found.

Lord Hain: Will the Minister agree with his government colleague the Cabinet Minister Nicky Morgan, who indicated on BBC Radio 4's "World at One" at lunchtime that if the Prime Minister gets his way, there is a mid-October election and he wins it, he will repeal the Bill or activate the clause within it to ensure that no deal occurs?

Lord Callanan: It is difficult for me to comment on an interview that I have not heard. I am sure the noble Lord is quoting her words accurately but, if he will forgive me, I will not comment on that precisely until I have seen the details of what Nicky Morgan actually said. We are commenting on a Bill that has not been passed through this House or completed its final stages in the other House. I repeat that the Government will of course abide by the law. I certainly cannot predict what might happen in a future general election, nor can I comment on what a future Government might do with the Bill in response to that.

Lord Hayward: In light of the indication given earlier today that the proposal for an election will be repeated in the Commons on Monday, has someone in the Government checked with the Taoiseach whether he is willing for that meeting to go ahead?

Lord Callanan: As far as I know, the latest information is that that meeting is still going ahead. Even if an election is happening, the Government and the Prime Minister remain in office and there are still live issues to be discussed. I am sure that there will still be intense value in having a meeting.

Lord Patten of Barnes: May I be, as usual, of assistance to the Minister, help him to develop the strength of his argument and encourage him to be a very brave Minister? Would he like to tell us that the Prime Minister's chief of staff, Mr Cummings, who has featured quite regularly in this debate, did not say that the negotiations were a "sham"?

Lord Callanan: I am always wary when the noble Lord wants to be helpful, particularly when he quotes things taken straight from "Yes Minister" about being brave. All I can say is that he has not said it in any of the meetings that I have been at with him. Obviously, I am not at every meeting with him and I cannot comment on whether he said it. He says that he did not and nobody else in government has said to me that he did. I know Dominic well and I take his word when he says that he did not say that.

We know that member states want to avoid a no-deal exit. As set out by the Chancellor of the Duchy of Lancaster in the other place on Tuesday, we have accelerated our preparations for no deal. For example, as I informed the House in repeating the Statement on Tuesday, there is additional expenditure of £16 million to train thousands of customs staff, traders and hauliers, and an additional £20 million to ensure that traffic can flow freely in Kent and that trucks arriving in Dover are ready to carry our exports into the EU. In addition, the Chancellor has made all necessary funds available to support other preparations.

Perhaps I might say a few words about the Bill itself. Although today's debate has been of the usual high standard, it was remarkable that very few noble

Lords addressed the legislation that we are talking about. However, it is true that continued EU membership would cost the UK roughly £1 billion net a month. The Bill, as it currently stands, would require the Prime Minister immediately to accept any offer made by the EU of an extension to 31 January 2020.

Lord Hannay of Chiswick: The figure of £1 billion net that the Minister refers to is frequently contested because it appears to be gross and not to take account of the expenditure that the European Union would make in this country if we were still a member. Can he perhaps clarify that?

Lord Callanan: Given the previous controversy about the sums of money involved in our exit, I am loath to get into this but I think that that is roughly the net figure. Our net figure is about £10 billion to £12 billion a year. I think that our gross contribution was about £20 billion and—very roughly, off the top of my head and without looking at the numbers—we receive about £10 billion back in receipts for agriculture payments, structural funds, et cetera. If those figures are incorrect, I will write to the noble Lord.

Lord Bilimoria: Can the Minister clarify something? We pay that £1 billion per month anyway as part of our membership. As the Minister said, it is just under £10 billion net and we get the benefits of being in the European Union while we are paying it. So how can he say that we are paying an extra £1 billion when we are still a member of the European Union?

Lord Callanan: The noble Lord is a distinguished businessman. I did not use the word "extra"; I said merely that remaining a member of the European Union will cost us roughly £1 billion net a month. That is the current membership fee. We pay in a lot more than we get out from the European Union in purely financial terms.

I said that the Bill would require the Prime Minister immediately to accept any offer made by the EU of an extension to 31 January 2020. If the EU offered—or, rather, instructed—a longer extension, whatever its date and regardless of its conditions, the PM would automatically have to accept it unless the House of Commons said no within two calendar days. The fact that the Bill mandates updates on the negotiations and Motions on those updates after 31 January 2020 and on a rolling 28-day basis, with no end date, means that it clearly envisages either a lengthy extension or possibly a string of extensions. This is a very poor piece of legislation.

If we pass the Bill, in our view there is no chance at all of renegotiating the deal before 31 October. It will completely undermine the Government's negotiating position and the future talks that the Government and the EU have committed to. Parliament would then be left with three unpalatable options: first, to revoke Article 50 and overturn the results of the referendum; secondly, extension after extension, therefore failing to deliver on the will of the people over three and a half years after the referendum took place; or, thirdly, accepting the existing withdrawal agreement, which has of course been rejected three times in the other place.

Therefore, I say to noble Lords across this House that, if they wish to accept the democratic decision that the UK should leave the EU—I accept that some parties do not wish to accept that decision—and if they want to leave with a deal, then do not support this Bill. The Government remain committed—

Lord Cormack: Is my noble friend saying to the House that if the Bill passes into law, which I think Parliament believes it should, negotiations will automatically end at that point? Is he saying that these negotiations, which are apparently continuing and doing very well at the moment, will suddenly be withdrawn from in a fit of pique? Is that what he is saying?

Lord Callanan: I am saying that it seems blindingly obvious to me that the EU has no possible incentive to negotiate anything because the two options that would then remain on the table would be either revoking or the existing withdrawal agreement, both of which the EU is perfectly happy with. Why would it negotiate anything else once we have removed the option of no deal from the equation?

Lord Brooke of Alverthorpe: Does the Minister agree that Europe offers further negotiations on the backstop in the political agreement? If so, why are we not picking that up?

Lord Callanan: Lots of negotiations are predicated in the political agreement. There are also arrangements within the existing withdrawal agreements for exploration of alternative arrangements, but the problem is that, in the meantime, we would have to legislate for the backstop, which then gives us no option unilaterally to withdraw from it.

Lord Brooke of Alverthorpe: The noble Lord said that there is no incentive for Europe. All the incentives are there for Europe to negotiate a deal with us and it has made an offer to which we have not responded, unless the Minister tells us that we have.

Lord Callanan: I am struggling to see the point that the noble Lord is making. Europe's offer is effectively the withdrawal agreement, which personally I thought was an acceptable compromise, but it is a fact that the House of Commons rejected it. His party and the Liberal Democrats voted against it. Presumably there is something wrong with the withdrawal agreement, then.

Lord Cormack: Since my noble friend has vigorously supported the agreement, as did I, and since the Prime Minister voted for it on the third occasion—he therefore clearly agreed with it or he would not have done so—why do we not just bring it on?

Lord Callanan: I am sure it has not escaped my noble friend's attention that Parliament as a whole voted against it on three occasions. Whatever view I or the current Prime Minister took that it was an acceptable compromise, it has been rejected.

Lord Goldsmith: I am just thinking through the implications of what the noble Lord has been saying. I have been hearing and reading that the Prime Minister has said he is negotiating and that the negotiations are going very well. I took that to mean that something was being discussed that he thought might be acceptable, not just the existing withdrawal agreement, and he jumped at the idea put to him by Angela Merkel of coming up with alternatives in 30 days. Is he now telling us that if the Bill passes, the Prime Minister will decline to negotiate any further? Is that the Government's position?

Lord Callanan: No, that is not what I said at all. I am saying that it makes the Government's position very difficult to persuade the EU to do any kind of alternative deal because all the other options remaining on the table are perfectly acceptable to it. In our view, as I said, the Bill would wreck any prospect for a renegotiated deal ahead of 31 October. It clearly would not honour the referendum result. It would be another pointless and harmful delay and would continue to contribute to the rancour we are experiencing in this House and in the public debate generally. It will come as no surprise to noble Lords whatever that the Government cannot support the Bill. I urge all noble Lords across the House who are committed to leaving the EU and to respecting the referendum to therefore vote against it.

Lord Mackay of Clashfern: Just before my noble friend sits down, could he say what he understands is meant by, "the agreement between the United Kingdom and the European Union", referred to in Clause 1(4) of the Bill?

Lord Callanan: I do not have a copy of the Bill in front of me. Obviously we are not the sponsors of the legislation. My noble and learned friend is a distinguished lawyer, and I will decline the opportunity to clarify exactly what I think the proposers of the clause mean. It is not our Bill. I would be happy to write to him with an opinion on it.

Lord Cormack: My noble friend will know that a very distinguished Member of the Opposition in another place moved an amendment to this Bill which makes it all the easier for the agreement that he so warmly supports, and which the Prime Minister voted for, to be voted on again. The circumstances have changed. We have a new Prime Minister, so even the Speaker could not refuse a vote on it.

Lord Callanan: My noble friend is referring to the so-called Kinnock amendment. We have looked at it quite closely and, with apologies to the noble Lord, Lord Kinnock, believe that it is fatally flawed, contradicts other parts of the Bill and is legally inoperable.

5.29 pm

Lord Rooker: My Lords, I am very grateful to everybody who has contributed. I am merely the messenger for the elected House because we are dealing with

[LORD ROOKER]

unique legislation from the elected Commons to try to deal with the uncertainties. I appreciate that my noble and learned friend Lord Goldsmith and the noble Lord, Lord Callanan, are probably the only two Members who have spelled out that while the purpose of the Bill is to stop us crashing out without a deal, it contains a mechanism for any Prime Minister who can pack the Commons to take us out without a deal. That is in the conditions in Clause 1. I have no doubt that that will be raised in Committee.

I have two brief points. I have picked up from the debate that it would be a very high level of political immaturity for leaders in the other place to buy an election before 1 November. It is quite clear that trust has broken down. It would be absolutely barmy.

My final point—and I am sorry that it is a bit of a domestic policy issue—is that this is a Private Member’s Bill. It is bit like the Cooper-Letwin Bill in April. At that time, because the Bill was a Private Member’s Bill, the Government Front Bench, who basically regulate the Chamber when things break down, went on strike. They removed themselves and it caused a degree of chaos in our administration. Today, we have had a Second Reading without a speaker’s list, and it has gone great because everyone could see that there was enough time to get in to speak. We have a day on this tomorrow. After the events of April, as the Member in charge of the Bill, I complained to the Procedure Committee that when a Private Member’s Bill that the Government do not agree with is in the House and the Front Bench go on strike, the power to regulate should be given to the chair so that the chair could say “That is wrong” or “This is wrong”. I have had no acknowledgement or reply from the Procedure Committee. My complaint has just been dismissed.

We are going into Committee and Report tomorrow and I have no idea about any amendments being tabled. I do not want any chaos deliberately caused by the Front Bench abdicating their responsibilities if help with regulation is needed. It is quite clear. Earlier today there were three hours when there was hardly anybody on the Front Bench. Nobody took any notice of any breaches of procedure, and there were quite a few—only one was picked up, by my noble friend. I hope that, tomorrow, the Government will live up to their responsibilities. Irrespective of whether they agree with the policy or the legislation, the Government Front Bench have the power to regulate the House. If they are not prepared to exercise it, they should give it to the chair for the day. I beg to move.

Lord Mackay of Clashfern: I think the noble Lord said that there would not be time in the Commons to deal with amendments and that therefore, on the whole, he would prefer not to have any. Did I pick that up correctly, or is that wrong? I would like to see the purpose referred to in Clause 1(4) in the letter.

The Lord Speaker (Lord Fowler): The question has been moved.

Bill read a second time and committed to a Committee of the Whole House.

Parliamentary Buildings (Restoration and Renewal) Bill

Third Reading

5.34 pm

Earl Howe (Con): My Lords, I have it in command from Her Majesty the Queen to acquaint the House that Her Majesty, having been informed of the purport of the Parliamentary Buildings (Restoration and Renewal) Bill, has consented to place her interest, so far as it is affected by the Bill, at the disposal of Parliament for the purposes of the Bill.

5.35 pm

Motion

Moved by Earl Howe

That the Bill do now pass.

Earl Howe: My Lords, I wish to thank my noble friends the Lord Privy Seal, Lady Barran and Lady Chisholm of Owlpen, for their work to ensure the passage of this landmark Bill. The Bill, in the form in which we now see it, is the product of excellent co-operation across all parties in both Houses. I thank noble Lords for their engagement and co-operation in helping to create the robust measure we have before us, in particular the noble Lords who served on the Joint Committee that carried out the pre-legislative scrutiny on the Bill and those who now serve on the shadow sponsor body.

I express my gratitude also to noble Lords who contributed to debates and tabled amendments, especially the noble Lord, Lord Blunkett, the noble Baroness, Lady Smith of Basildon, and the noble and learned Lord, Lord Wallace of Tankerness, all of whom embraced the spirit of collaboration and joint working that ensured that the Bill made swift progress without sacrificing the quality of the scrutiny it received. My thanks go too to all other noble Lords who tabled amendments and spoke on Report yesterday, including the noble Baroness, Lady Wheeler. Lastly, I extend my thanks to the excellent Bill team, as well as the restoration and renewal programme team, the shadow sponsor body, the Parliamentary Private Secretaries, the Whips on both sides and, of course, the clerks, for their support.

Noble Lords across the House have recognised the need for this Bill, which addresses the pressing issue of the restoration and renewal of the Palace of Westminster and which has been improved thanks to their efforts. The degree of consensus on the Bill across both Houses is reflected in its swift passage. I believe that we all have been keenly aware of how vital a step this is towards ensuring that the historic and iconic building in which we are privileged to serve is safe for staff and the public, that the works are delivered on time and on budget—ensuring value for taxpayers’ money—and, above all, that we have the right framework to secure the Palace of Westminster as the home of the UK Parliament for future generations. I beg to move.

Baroness Wheeler (Lab): My Lords, I speak on behalf of these Benches and of my noble friends Lady Smith and Lord McNicol, who helped me take the reins of the Bill from our side when my noble friend Lady Smith became somewhat otherwise engaged with developments elsewhere. I too place on record our thanks to the Government for their co-operation on this Bill and to parliamentarians in both Houses who helped ensure that the Bill is in the good place that the Minister referred to at the end of Report. In particular, I thank my noble friends Lady Smith and Lord McNicol, the noble Earl, Lord Howe, and the Leader of the House for their work and commitment throughout the various stages of the Joint Committee deliberations and the passage of the Bill.

I also thank my noble friend Lord Blunkett, who played such a key role in ensuring that public engagement, consultation, the involvement of parliamentarians and staff in the project and the key issue of disability and public access were at the heart of the Bill. The Bill team has—I agree—worked in a particularly exemplary and collaborative way with your Lordships and deserves special thanks, as do Beth Miller, who provides the noble Lord, Lord Blunkett, with support, and the excellent team from our Opposition office, Ben Wood and Dan Harris.

Lord Blunkett (Lab): My Lords, perhaps I may lighten the atmosphere a little. I remember a Lonnie Donegan song which was a reflection of the war for American independence and the red coats fighting a losing battle. It went:

“There wasn’t nigh as many as there was a while ago”.

There are fewer of us in here than there were a few moments ago, for fairly obvious reasons, but this Bill is critical not just to the fabric and well-being of the heart of our democracy—the Palace of Westminster itself—but to a futuristic look at how might restore trust in and engagement with democracy. I am particularly grateful to all those who have played their part in making this a substantive measure which we can be proud of and which gives the sponsor body of the future and delivery authority clear direction in implementing it. I shall not repeat the names of everyone who has been involved, but I endorse entirely the thanks offered to those who have been part of it. I give my personal thanks not just to my own Front Bench but to the noble Earl, Lord Howe, who has reflected the best of the way in which we can conduct business in the House of Lords.

In implementing this Bill and taking forward the kind of advice that we had from all quarters on all matters in the joint scrutiny committee, it will be

critical to draw down on the best possible expertise across the UK. If we do that, we will have something to be proud of in the years to come.

Bill passed.

Sentencing (Pre-consolidation Amendments) Bill [HL] *Report*

5.41 pm

Report received.

Sentencing (Pre-consolidation Amendments) Bill [HL] *Motion to Resolve*

5.42 pm

Moved by The Earl of Courtown

To resolve that it is expedient that if the Sentencing (Pre-consolidation Amendments) Bill [HL]—

(a) has not completed all of its stages by the end of this session of Parliament, and

(b) is reintroduced in the next session of Parliament,

the bill as reintroduced shall, notwithstanding the provisions of Standing Order 46 (*No two stages of a Bill to be taken on one day*), be taken pro forma through all of the stages completed in this session.

The Earl of Courtown (Con): My Lords, I beg to move the Motion standing in the name of my noble and learned friend Lord Keen of Elie on the Order Paper.

Lord Marks of Henley-on-Thames (LD): My Lords, we support the carryover of this Bill. We regard the handling of the Bill in accordance with the Law Commission’s fast-track procedure a model of its kind. It has had a good opportunity for an airing. Nevertheless, there has been no substantial opposition to it, and it is plainly a necessary, though fairly technical, Bill.

Motion agreed.

House adjourned at 5.43 pm.