

Vol. 800
No. 5



Saturday
19 October 2019

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Brexit	
<i>Motion to Take Note</i>	279

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/2019-10-19>*

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

Saturday 19 October 2019

10 am

Prayers—read by the Lord Bishop of London.

Arrangement of Business

Announcement

10.07 am

Lord Ashton of Hyde (Con): My Lords, I should like to say a few words regarding our business today. This is a very important debate and there are a large number of speakers, so there is an advisory limit of five minutes for Back-Bench contributions. I urge noble Lords to stick to that out of consideration for all the other noble Lords who wish to speak. Even so, it will mean that our debate will finish after 4 pm.

My noble friend the Leader of the House will open the debate by repeating a Statement given by the Prime Minister. We will then proceed with the speakers' list as published in today's list. My noble friend Lord Callanan will wind up the debate in the usual way—

Noble Lords: Oh!

Lord Ashton of Hyde: I should have said “in his normal, smooth manner”.

I urge noble Lords to raise any questions when they make their speeches rather than make interventions. Your Lordships will have noticed that there are two Motions on the Order Paper today and, as indicated by today's list, we will be moving only the first of those Motions.

Brexit

Motion to Take Note

10.08 am

Moved by Baroness Evans of Bowes Park

That for the purposes of section 1(1)(b) of the European Union (Withdrawal) (No. 2) Act 2019 and section 13(1)(c) of the European Union (Withdrawal) Act 2018, this House takes note of the negotiated withdrawal agreement titled “Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community” and the framework for the future relationship titled “Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom” that the United Kingdom has concluded with the European Union under Article 50(2) of the Treaty on European Union, as well as a “Declaration by Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland concerning the operation of the ‘Democratic consent in Northern Ireland’ provision of the Protocol on Ireland/Northern Ireland”, copies of which three documents were laid before the House on Saturday 19 October.

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): My Lords, I am grateful to noble Lords on all sides of the House for assembling on a Saturday for the first time in 37 years. I know that this has involved sacrificing personal time, time with families and, of course, missing the end of England's World Cup quarter final, although the result is looking quite promising. On behalf of us all, I thank all parliamentary staff and the police who have made this sitting possible. I shall open this debate by replicating a Statement on the new agreement with our European friends made in the other place by my right honourable friend the Prime Minister.

Noble Lords will need no reminding that this is the second deal and the fourth vote to be held in the other place—three and a half years after the nation voted for Brexit. During those years, friendships have been strained and families divided, and the attention of both Houses has been consumed by a single issue that has at times felt incapable of resolution. But this is the moment when we can finally achieve that resolution and reconcile the instincts that compete within us.

Many times in the last 30 years, we have heard our European friends remark that this country is half-hearted in its EU membership. It is true that we have often been a back-marker, opting out of the single currency, not taking part in Schengen and trying to block some collective ambition. In the last three and a half years, it has been very striking that Members on all sides have debated Brexit in almost entirely practical terms, in an argument that has focused on the balance of economic risk and advantage, rather than calling for Britain to play her full part in the political construction of a federal Europe, ever closer union, ever deeper integration or a federal destiny. There is a whole side of the debate that you hear regularly in other European capitals that has been absent from our national conversation, and that has not changed much in the last 30 years.

But if we have been sceptical, if we have been anxious about the remoteness of the bureaucracy, if we have been dubious about the rhetoric of union and integration, and if we have been half-hearted Europeans, it follows logically that with part of our hearts—with half our hearts—we feel something else: a sense of love and respect for European culture and civilisation, of which we are a part; a desire to co-operate with our friends and partners in everything, creatively, intellectually and artistically; a sense of our shared destiny; and a deep understanding of the eternal need, especially after the horrors of the last century, for Britain to stand as one of the guarantors of peace and democracy in our continent—and it is our continent.

It is precisely because we are capable of feeling both things at once—sceptical about the modes of EU integration but passionate and enthusiastic about Europe—that the whole experience of the last few years has been so difficult and divisive. That is why it is so urgent for us now to move on and build a new relationship with our friends in the EU on the basis of a new deal—a deal that can heal the rift in British politics and unite the warring instincts in all of us. Now it is time for all sides in both Houses to come together and bring the country together today, as we

[BARONESS EVANS OF BOWES PARK]

believe people at home are hoping and expecting, with a new way forward and a new and better deal for both Britain and our friends in the EU.

That is the advantage of the agreement that we have struck with our friends in the last two days, because this new deal allows the UK, whole and entire, to leave the EU on 31 October in accordance with the referendum, while simultaneously looking forward to a new partnership based on the closest ties of friendship and co-operation.

As a Government, we pay tribute to our European friends for escaping the prison of existing positions and showing the vision to be flexible by reopening the withdrawal agreement and addressing the deeply felt concerns of many in both Houses. One of the most important jobs of my right honourable friend the Prime Minister has been to express those concerns to our European friends. We shall continue to listen to all Members in both Houses throughout the debates taking place today, to meet with anyone on any side and to welcome the scrutiny that Parliament will bring to bear if, as we hope, we proceed to consider the withdrawal agreement Bill next week.

Today, Parliament has an historic opportunity to show the same breadth of vision as our European neighbours and the same resolve to reach beyond past disagreements by getting Brexit done and moving this country forwards, as we all yearn to do. This agreement provides for a real Brexit, taking back control of our borders, laws, money, farming, fisheries and trade, amounting to the greatest single restoration of national sovereignty in our parliamentary history. It removes the backstop, which would have held us against our will in the customs union and much of the single market. For the first time in almost five decades, the UK will be able to strike free trade deals with our friends across the world to benefit the whole country, including Northern Ireland.

Article 4 of the new protocol states:

“Northern Ireland is part of the customs territory of the United Kingdom”.

It adds that,

“nothing in this Protocol shall prevent”,

Northern Ireland from realising the preferential market access in any free trade deals,

“on the same terms as goods produced in other parts of the United Kingdom”.

Our negotiations have focused on the uniquely sensitive nature of the border between Northern Ireland and the Republic, and we have respected those sensitivities. Above all, we and our European friends have preserved the letter and the spirit of the Belfast/Good Friday agreement and upheld the long-standing areas of co-operation between the UK and Ireland, including the common travel area. As my right honourable friend the Prime Minister told the other place on 3 October, in order to prevent a regulatory border on the island of Ireland we proposed a regulatory zone covering all goods, including agri-food, eliminating any need for associated checks along the border.

But in this agreement we have gone further by also finding a solution to the vexed question of customs, which many in both Houses have raised. Our agreement ensures,

“unfettered market access for goods moving from Northern Ireland to other parts of the United Kingdom’s internal market”.

It ensures that there should be no tariffs on goods circulating within the UK customs territory—that is, between Great Britain and Northern Ireland—unless they are at risk of entering the EU. It ensures an open border on the island of Ireland, a common objective of everyone in both Houses. It ensures that for those living and working alongside the border there will be no visible or practical changes; their lives can carry on as before.

This Government believe that this is a good arrangement, reconciling the special circumstances in Northern Ireland with the minimum possible bureaucratic consequences at a few points of arrival into Northern Ireland. It is precisely to ensure that those arrangements are acceptable to the people of Northern Ireland that we have made consent a fundamental element of this new deal, so no arrangements can be imposed on Northern Ireland if they do not work for Northern Ireland. The people of Northern Ireland will have the right under this agreement to express or withhold their consent to these provisions by means of a majority democratic vote in their Assembly four years after the end of the transition. If the Assembly chooses to withhold consent, the provisions “shall cease to apply” after two years, during which the joint committee of the UK and EU would propose a new way forward, in concert with Northern Ireland’s institutions.

As soon as Parliament allows the process of extracting ourselves from the EU to be completed, the exciting enterprise of building our new relationship with our friends can begin. We do not wish that to be the project of any one Government or party but rather the endeavour of the United Kingdom as a whole. Only this Parliament can make the new relationship the work of the nation, and so Parliament should be at the heart of decision-making as we develop our approach. I think the whole House would acknowledge that in the past we have not always acted in that spirit.

So, as we take forward our friendship with our closest neighbours and construct that new relationship, the Government will ensure that a broad and open process draws upon the wealth of expertise in every part of both Houses, including Select Committees and their chairs. Every party and every Member who wishes to contribute will be invited to do so, and we shall start by debating the mandate for our negotiators in the next phase.

The ambition for our future friendship is contained in the revised political declaration, which also provides for Parliament to be free to decide our own laws and regulations. The Government have complete faith in both Houses to choose regulations that are in our best tradition of the highest standards of environmental protections and workers’ rights. No one believes in lowering standards; we believe in improving them and seizing the opportunities of our new freedoms to do so. For example, free from the common agricultural policy, we will have a far simpler system where we will

reward farmers for improving our environment and animal welfare instead of just paying them for their acreage. Free from the common fisheries policy, we can ensure sustainable yields based on the latest science, not outdated methods of setting quotas.

These restored powers will be available not simply to this Government but to every future British Government of any party to use as they see fit. That is what restoring sovereignty and taking back control of our destiny means in practice. Our first decision, on which we believe there will be unanimity, is that in any future trade negotiations with any country our National Health Service will not be on the table.

The Government believe that an overwhelming majority in this House and the other place, regardless of their personal views, wish to see Brexit delivered in accordance with the referendum. In that crucial mission, there can no longer be any argument for further delay. This Government passionately believed that we had to go back to our European friends to seek a better deal. With this new deal, the scope for fruitful negotiation has run its course. They said we could not reopen the withdrawal agreement and that we could not change, never mind abolish, the backstop. We have done both. It is now our judgment that we have reached the best possible solution, so those who agree that Brexit must be delivered and who prefer to avoid a no-deal outcome must abandon the delusion that this House can delay again.

We must tell this Parliament in all candour that there is very little appetite among our friends in the EU for this business to be protracted by one extra day. They have had three and a half years of this debate. It has distracted them from their own projects and ambitions and, if there is one feeling that unites the British public with a growing number of EU officials, it is a burning desire to get Brexit done. Whatever letters they may seek to force the Government to write, it cannot change our judgment that further delay is pointless, expensive and deeply corrosive of public trust. People simply will not understand how politicians can say that, on the one hand, they want delay to avoid no deal and, on the other, they still want delay when a great new deal has been done.

Now is the time to get this done, and all Members should come together as democrats. Let us come together as democrats behind this deal, the one proposition that fulfils the verdict of the majority, but which also allows us to bring together the two halves of our hearts. Let us speak now for the 52% and the 48%.

Let us go now for a deal that can heal this country and allow us all to express our legitimate desires for the deepest possible friendship and partnership with our neighbours, a deal that allows us to create a shared new destiny with them, and a deal that also allows us to express our confidence in our own democratic institutions, to make our laws, to determine our own future and to believe in ourselves once again as an open, generous, global, outward-looking and free-trading United Kingdom. That is the prospect that this deal offers our country. It is a great prospect and a great deal. I beg to move.

10.21 am

Baroness Smith of Basildon (Lab): My Lords, I am grateful to the noble Baroness for repeating the Statement. There were some points of difference from what the Prime Minister said, which I will come to. I listened carefully to what she said. It is now 1,212 days since we heard the outcome of the 2016 referendum vote, and few could have foreseen how Brexit would lead to our politics and our country being so uncertain and bitterly divided. Nobody could have predicted that Parliament would be sitting on a Saturday to debate the merits of the “new” Brexit deal, which is inferior to the one previously rejected by an historic margin.

The noble Baroness says that the Government will now speak for the 52% and the 48%. I had hoped that honouring the referendum result meant more than just one side saying, “We won, you lost. Get over it”. I had hoped that, during this process, there would be a recognition that in this huge democratic exercise, while 17.4 million people voted to leave, more than 16 million people made it clear that they were very much against that. So yes, there is a mandate, but not one to ignore the wishes of almost half the voting public. The real challenge for the Government was not just to leave the EU but to do so in a way that respected the votes of all their citizens, and to seek to unite our country rather than foster division. In that challenge, the Government have failed—spectacularly.

Our politics is not built on a winner-takes-all system. When one party wins a general election, it does not take every seat in the House of Commons. Our system and constitution ensure a voice and a role for the Opposition, as well as a clear, scrutinising, advisory role for your Lordships’ House. In the Statement in the House of Commons today, the Prime Minister made several references to the role of that House. The noble Baroness spoke instead of an ongoing role for both Houses of Parliament. It would be nice to know which the Prime Minister intends.

As we know, power in our politics lies ultimately with Parliament as a body, not just with the Prime Minister or the Executive. It was your Lordships’ House that ensured a role for all MPs in reaching a final decision on how we leave the EU, with our amendment on a meaningful vote for the elected House. That is why they are sitting today—which they may not thank us for.

The way Boris Johnson is trying to portray his deal is reminiscent of Theresa May’s Brexit offer, when she also claimed that it was “taking back control” and the “best” and “only” deal possible. As it was previously, the route to the deal before us today was a rollercoaster ride. I have to admit to some cynicism about how much of that has been stage managed. Deadlines were imposed and missed. Expectations were ramped up, only to be dampened down. As ever with this Government, sabres were rattled and then hastily tucked away again. Then, all of a sudden, the proverbial white smoke emerged. Now I do want to put on record that we should all be immensely grateful to the negotiating team officials for their hard work and dedication throughout the entire process. It has been a huge challenge.

[BARONESS SMITH OF BASILDON]

Other than to debate matters of war, the last time this House sat on a Saturday was in 1949. At that time, the very concept of some kind of Europe-wide union was a hope held by some men and women who, having lived through a terrible conflict, sought to forge a path to a sustainable, long-term partnership of peace and prosperity. Yet here we are, 70 years later, examining a revised withdrawal agreement and political declaration for our departure.

Despite the assertions of No.10, let us remember one thing: it was not the current Prime Minister who forced Brussels to reopen the withdrawal deal. Given that a majority of MPs rejected the previous agreement three times, the EU heard the very clear message that Mrs May's deal could not be ratified. For many Conservative MPs, the issue was the backstop—but that, after all, was intended to come into force only if all else failed. Jonathan Powell, who did so much in Downing Street with Tony Blair to bring about the Good Friday agreement, said that while some,

“claim they have got rid of the backstop ... they have in fact transformed it from a fallback into the definitive future arrangement for NI with the province remaining in the Single Market and Customs Union”.

So, instead of leaving the future status of Northern Ireland up for negotiation in the next stage of talks, a new set of arrangements will be in place until at least 2024, with a further two-year wind-down period if consent is withdrawn. Even the DUP, which has kept this Government afloat, rejects this. I am sad to see that DUP Peers are not in their places today and contributing to this debate. These proposals introduce a border down the middle of the Irish Sea, despite the previous derision of the Prime Minister and his ERG allies on this.

Our concern with the original deal was that Mrs May had failed to provide enough clarity over the UK's future relationship with the EU in areas that we consider crucial. It was unclear what form of trade relationship she envisaged beyond cross-border trade being “as frictionless as possible”. That meant little certainty for businesses, preventing industry from planning ahead and unlocking new investment. There were no concrete commitments on UK participation in EU agencies, nor on the extent of future co-operation on security matters. That potentially left consumers getting a worse deal and our security services facing significant gaps, putting UK citizens at risk.

The political declaration is aspirational, and it is of major concern that it now contains issues that were previously nailed down in the legally binding withdrawal agreement—for example, the level playing field for social rights. Now this is in only the political declaration, which merely references maintaining present standards, “at the end of the transition period”, and notes:

“The precise nature of commitments should be commensurate with the scope and depth of the future relationship”—

which is uncertain. So there are no guarantees on employment or environmental protection beyond the end of the transition period.

Paragraph 25 of the original declaration, which committed the UK to considering long-term regulatory alignment, has vanished, and there are other indications

that the Government will be able to pursue wholesale divergence, to the detriment of businesses, employees, consumers and the environment.

In some areas, however, Mr Johnson's Brexit provides a greater degree of certainty—but not in a positive way. The Government's ambition is limited to negotiating a free trade agreement, rather than seeking a closer arrangement such as an association agreement. The Treasury's own analysis predicts a loss of more than 6% of potential GDP growth in the next 15 years, equivalent to each household losing well over £2,000. The political declaration confirms that the agreement will include rules of origin requirements, thus selling out the UK car industry.

The level playing field commitments in the political declaration are vague. That is why the TUC's Frances O'Grady warns that the deal is,

“a disaster for working people”,

that would,

“hammer the economy, cost jobs and sell workers' rights down the river”.

Meanwhile, the National Farmers' Union is concerned about British standards being undercut, with our market potentially opened up to products that could not be legally produced in this country. So what is before us seems to take us a step closer to hardcore Brexiteers in the ERG, rather than a common-sense Brexit that could have benefited citizens and the economy.

So this does not strike me as a “great new deal”, as the noble Baroness read out in her Statement—and it does not seem to have struck others in that way, either. The CBI's Carolyn Fairbairn speaks of business having, “serious concerns about the direction of the future UK-EU relationship”,

with the new deal being “inadequate” for the service sector, which makes such a significant contribution to our economy. The Institute of Directors, while admitting some guarded relief at recent progress, says that,

“if a passable deal is in touching distance then politicians on all sides should be pragmatic about giving us the time to get there”.

This is key. The deal is unsatisfactory. I have always thought that the European Union (Withdrawal) (No. 2) Act—the Benn Act—could have been a lifeline for a Prime Minister close to a deal but without the final details. He should use that time available—no ifs, no buts and certainly no second letters.

But everyone is losing patience. An extension will work on only two grounds: first, if a Prime Minister is willing to compromise to gain a majority in Parliament; or, secondly, to seek a public mandate. If MPs do not accept the deal today, the impasse cannot continue. We have moved on from abstract views and opinions. Nobody who voted in the referendum of 2016 could have even imagined the deal being presented today by the Prime Minister. At the beginning of this process, when Article 50 was invoked, I argued against a second referendum. We had barely started dealing with the outcome of the first. But now, with all that has gone before us and the incompetent way in which Brexit has been handled by the last three Prime Ministers and their Governments, we have a responsibility to put the real choice—the actual choice—to the public. If this is the best Brexit that a Brexit-believing Prime Minister

considers can be delivered, why not seek a public mandate for it? Anything less would be a dereliction of duty.

10.33 am

Lord Newby (LD): My Lords, your Lordships' House is sitting on a Saturday for the first time since 1983 and for only the fourth time in 80 years. These occasions have typically been to debate a serious foreign threat to the vital interests of the United Kingdom: the outbreak of the Second World War, Suez, the Falklands. Today, we sit on a Saturday to try to resolve a serious internal threat to the unity and future of the Conservative Party. There is no reason, other than the Prime Minister's macho commitment to leave the EU by 31 October, for the Government's decision to recall Parliament today.

Such a timetable is a complete abuse of the parliamentary process. It does not allow the appropriate impact assessment to be made, for the relevant Select Committees to consider the proposals, or for the Commons and your Lordships' House to give proper consideration to the withdrawal Bill. It barely gives us time to read and compare the documents. The withdrawal agreement itself—some 535 pages—was available for the first time for noble Lords to pick up from the Printed Paper Office just this morning.

We certainly have not had time to identify and work out what some of the changes mean. For example, the sections in the political declaration on dispute settlement and the forward process have been substantially rewritten. Why? Parliament is being asked to approve these changes with no effective ability to question Ministers on them. It is a disgrace.

It is, of course perfectly understandable for the Government to want such a timetable, because if they were to give Parliament time to look at the deal properly, a number of its highly undesirable consequences would become clearer. There would, for example, be time to have an economic assessment. Latest figures from UK in a Changing Europe suggest that the hit to GDP of this deal would be about 6.4%. This is broadly in line with the Government's own analysis of last November, which suggested that, with the kind of restrictive immigration system the Government have in mind, such a deal could have an even bigger effect. For the north-east, north-west and the West Midlands, the fall in GDP would be considerably higher again.

There would be greater time to expose the fact that, as a consequence of the new deal, EU components of goods manufactured in the UK will no longer be treated as of domestic origin. Given the low proportion of UK content in cars, for example, this would have the effect of making it impossible to export any car manufactured in the UK to a third country duty free, even under a free trade agreement. This raises the spectre of the end of bulk car manufacturing in the United Kingdom.

More time would enable us to examine the threat to the level playing field on environmental standards and employment rights, which were guaranteed in Theresa May's withdrawal agreement but are now relegated to the eminently amendable political declaration, with no presumption there that we should follow future improvements in standards under EU rules. More time

would give us the opportunity to question whether, as the Conservative John Baron has claimed, the Government see this deal as leading to the equivalent of a no-deal Brexit at the end of the transition period next year.

More time would enable us to examine the economic impact on Northern Ireland. Under this deal, businesses in Northern Ireland will have to pay up front to "import" from Great Britain. They will be able to claim that money back only once the goods have been sold and once businesses can prove that the goods remained in Northern Ireland. Small and medium-sized businesses provide 75% of employment in Northern Ireland. For those with tight cash flows, this deal will have a crippling effect.

More time would enable us to expose the threat to the union that these proposals pose, for, unlike the May deal, under this deal we are moving to a position where there is no border between Northern Ireland and the Irish Republic but there is most certainly a border for goods and services between Great Britain and Northern Ireland. Under these proposals, the economic union between Northern Ireland and Great Britain is effectively no more. Politics follows economics. It is impossible to see how the proposed arrangements will not provide further impetus for a border poll on the island of Ireland, and one that might prove successful.

The impact on the union with Scotland is also clear. Northern Ireland will have freer access to EU markets than Scotland. Scotland will want the same, understandably, and the only way it will get it is by independence. This deal is a further recruiting sergeant for the SNP. For the Conservative and Unionist Party to hail this deal as good for all parts of the United Kingdom, when it will lead to its disintegration, is frankly shameful, but typical of the lengths that the current Prime Minister will go to try to preserve the unity of the English Conservative Party.

Of course, Conservative MPs dismissed the Northern Ireland proposals put forward by the EU at the start of the negotiations, yet now they line up on a deal that is essentially the same thing to support it. Just over a year ago, the Prime Minister said that EU proposals to have a customs border in the Irish Sea were,

"little short of an attempt to annex Northern Ireland".

In your Lordships' House, the noble Lord, Lord Callanan, said:

"We will not permit a customs border down the Irish Sea, which would put at risk the constitutional and economic integrity of the UK".—[*Official Report*, 4/9/18; col. 1754.]

Those were wise words. Yet the very thing which was anathema in January is now a triumphant achievement, the gateway to a British utopia. I am sure that in winding up this debate, he will explain why his views and those of the Prime Minister have changed. I am sure that all noble Lords are struggling to understand.

At this moment, it is unclear whether the Prime Minister has the numbers to get the deal through the Commons. This is despite the capitulation of the "Spartans". Where, in their hour of crisis, is their Leonidas? Under pressure to save the Tory party, the leader of today's Spartans has shown the backbone of the eponymous Belgian chocolate, rather than the courage of the hero of the pass at Thermopylae.

[LORD NEWBY]

There has been one amendment tabled in the Commons which would delay today's meaningful vote on the deal, but even if it passes, a number of things are clear. First, a letter will need to be sent under the terms of the Benn Act, seeking an extension. Secondly, if the Government lose the meaningful vote on the deal—either today or at a later date—then the only way to get a resolution to the impasse is to consult the people. As we discussed earlier in the week, this could take the form of either a general election or a referendum, and for reasons which I set out on Monday, a general election is by far the inferior method of making what is—

Noble Lords: Oh!

Lord Newby: My Lords, this party is absolutely sure that an early general election would deliver it many more seats. The same cannot be said for the Conservatives or Labour, yet we do not believe it is in the national interest to have one. There will be an election in the next year, and we are really looking forward to it.

Even if the deal passes by the narrowest of margins, it should still be put to the people, because it is so far from anything that anybody voted for in the referendum. Opponents of the referendum have, until now, seized on the fact that there was some ambiguity about what the questions might be. Clearly, to remain in the EU was always going to be one option, but it was unclear what the alternative would be. We now know. The alternative would be the Prime Minister's deal, because even those in the Commons who have said in the past that no deal was an option—including the Prime Minister himself—now say that the deal is far superior to this. There is now near unanimity among Brexiteers that this is their desired outcome.

The deal before us today is significantly worse for the economy and the integrity of the UK than that negotiated by Mrs May. It deserves to be rejected. I had hoped that we in your Lordships' House would have the opportunity to express that view today. That was not to be. However, we will have to play a part in dealing with the consequences of today's vote, as any route now taken will involve legislation. At that point, I hope that we exert our powers to the full and help mitigate the costs to the country of this shameful, shameless Government.

10.43 am

Lord Judge (CB): My Lords, this is supposed to be a calm occasion. Can anyone suggest that Brexit has been underdebated in either House? We know what the issues are, and, more importantly, everyone in the country knows what the issues are. We have all heard—but, I regret to say, not all of us have listened to—the arguments in support of Brexit. We have all heard, but not all of us have listened to, the arguments in support of remaining in the EU. We have all heard, but not all of us have listened to, the arguments in support of and against Mrs May's deal.

I am something of a legal nerd. I forced myself to read that entire document, all 500 pages-plus. I did not understand half of them. I knew that it was not a very favourable deal to the UK, but I also knew that—we tend to overlook this—the EU has a negotiating position

to protect the rights and interests of, and advance the welfare of, its 27 nations. "Welfare" is perhaps too modest a word. We must remember that if we go back to the negotiating table, that is what it will do.

I am not going to read this new edition. I am sorry, but 600 pages of it I just cannot face. There is a simple reason why I am not going to be a nerd about this: I no longer think that the terms of the deal are the crucial issue. Notwithstanding all the arguments—indeed, perhaps because of listening to all the arguments—I do not have an absolutist, categorical, assertive, strident view. My personal concern is directed elsewhere. The public understand the arguments. If we have a referendum—which I do not support—the public would be able to vote tomorrow, whatever the terms. Whether they voted for or against Brexit, the majority of the public cannot understand why we the politicians, the parliamentarians, have not resolved this issue. The public voted in a referendum, and in a general election in which both main parties went to the country promising to honour the result, and they are still waiting. I respect and understand the genuine passion and commitment of those on both sides who adhere to the principle they espouse. That respect, however, does not extend to those who contrive a synthetic passion because they sense the proximity of possible political advantage.

Whether it is politics or principle, the parliamentary processes of the last 1,200 days are shattering something even more important than Brexit. It seems to me—it is the only issue I have sought to address when I have spoken in the Brexit debates—that we are so sure that we are right, so preoccupied with our own arguments, that we in both Houses have done, are doing and may continue to inflict on the general public's confidence in their own political and constitutional institutions, the most profound damage.

The lesson of history is chilling. When the public lose confidence in their own institutions—and they are the public's, not ours—they can be beguiled by an individual or a party, whether of the left or the right, that appears to offer them a route out of what they perceive to be political chaos and uncertainty. That is aggravated if their perception is that their current politicians and their current political arrangements have caused or contributed to it. Too many democracies in Europe have had cause to learn that bitter lesson. We must be careful that we are not opening a path to a public opinion that will extol authoritarianism.

Every day that goes by and every additional delay adds to public uncertainty, aggravates public anger and disillusionment with our political process and makes the task of restoring that very precious confidence more difficult. Already, it will take years. On Thursday evening, catching my train at Euston, I overheard a young woman, discussing Brexit with her companion, say, "Thank God it's over". Well, it is not over yet, but it really should be.

10.49 am

Lord Baker of Dorking (Con): If I might support what the noble and learned Lord, Lord Judge, has said, it is about time that Parliament made up its mind on this matter. I thought that I would start in an uncontroversial way by praising the Prime Minister. Against all odds, he has brought a deal back when Europe said that it

would not do that in any way. He stuck at it, was attacked for it and was thought to be a rash optimist, but he has negotiated a deal. It began with the Taoiseach and the prose was then changed a great deal. As the noble Lord, Lord Newby, said, he had to eat many of his words—but, as Churchill said, the most nourishing diet you can have is eating your own words. When I saw the pictures of the Prime Minister being congratulated and smiled at by the other Heads of State after agreeing the deal, it reminded me of how Macaulay described Horatius keeping the bridge,

“In the brave days of old”.

He did it so well that,

“even the ranks of Tuscany
could scarce forbear to cheer”.

We have seen a remarkable transformation of the Prime Minister, from being a bit of a buffoon to a bit of a statesman.

Noble Lords: Oh!

Lord Baker of Dorking: Oh yes, there is no doubt about that. This is what troubles the House: he has got a deal that might pass and we might actually leave Europe, so this is an exciting and important day for us. If I might say why the deal is so good, there is no backstop and there is no border. The border in the Irish Sea—

Noble Lords: Oh!

Lord Baker of Dorking: There is no border on land and the border on the sea is largely a filter, because most of the trade between Britain and Northern Ireland in the future will be frictionless, as it is today. The other great advantage of the deal is that it gives Northern Ireland a unique position, with a foot in both camps: one in Europe and one in our own country. This is an enormous opportunity for expansion in all sorts of ways. For example, if you were a great entrepreneur you would register a fishing boat in Northern Ireland today, because the expansion of the Northern Ireland fishing industry will be absolutely enormous.

As we all know, in a matter of two or three hours the destiny of the United Kingdom will be determined in the other House. I find it very strange that that may depend upon the votes of 10 DUP Members, members of a minority party in the United Kingdom. If they vote against the package today, it will have grave consequences for our relationship with Ulster. I will put it this way: for a start, the 17 million people who voted for leave will ask the DUP and Ulster difficult questions, emphasising their dependency on this country. Is it not true that their security depends entirely on the United Kingdom? Is it not true that their financial viability depends entirely upon the United Kingdom, and that all of business and industry in Northern Ireland favour this deal? This will bring to a head the position of Ulster in the UK—as a result of their voting.

We know, of course, that Ulster has been very loyal to Britain in times of trouble. We remember the Ulstermen who died in the First World War and the Second World War. But today, we are also in the time of trouble. There is absolutely no doubt about it and I hope very much that the Ulstermen—the DUP—will realise that they should in fact support the Government. If they

do not do that, the long love affair between the Tory party and Ulster will be fractured and broken, possibly for ever, because it will be seen that although the DUP voted leave, its members did not, when it came to it, support leave. That will have a grave consequence for the relationship with the DUP, but an even graver consequence for Ulster. This is a deal that is of great advantage to Ulster: there is absolutely no doubt about that. I therefore hope that the other House will be able to support it, and that we will be able to pass the Bill in reasonably good time in this House.

10.53 am

The Lord Bishop of Leeds: My Lords, I have ditched the speech that I intended to give because of what I have heard. I particularly want to reinforce the speech of the noble and learned Lord, Lord Judge. His warnings are prescient, although his conclusion reminded me of that of the General Synod on writing liturgy. It was unanimous that there should be only one form of the Lord’s prayer in our new liturgies. Everyone agreed; we ended up with three. The “how” is a very difficult question.

From what we heard in the Statement earlier, it seems that the question at the root of all of this stuff is trust. Trust cannot be commanded, even by a Prime Minister; it has to be earned. We have had three years or more of either learning to trust or becoming suspicious about trust, and that goes across the country. We heard in the Statement that we have been half-hearted in our commitment to the EU. We have not just been half-hearted. We have been told lies and there has been gross misrepresentation, including from the current Prime Minister when he was a journalist in Brussels. Propagated through the media, these lies have been allowed to go on and have formed the way that we see and understand Europe, ourselves and our role. That raises a question about trust.

We have been asked to reconcile competing instincts. Which ones? Do they include loyalty or integrity? It seems to me that our MPs and parliamentarians have been doing precisely what they are there to do in a parliamentary democracy. They are not delegates. They are there to use their judgment, with integrity, and to face the consequences of that at the ballot box. Of course, the consequences they face are usually through Twitter and other social media, where they and their families are threatened with violence or even death. Is this really acceptable? Is this what we have come to?

I have three questions about what we have learned from the last three years, because the question of trust is behind all the other issues that we are looking at. My three questions have to do with culture, language and character. The cultural question is: what has become of our political and public discourse, and our relationships with one another as we describe them in language and our behaviour towards one another? How will those go beyond today? What used to be called the conflict metaphor, in relation to science and faith, has gone beyond a metaphor in our political culture into a simple acceptance of divide and rule. It is all very well hearing now that we need to pull all the different parties and elements in both Houses together to find a way forward. Some of us were asking for that three years ago, two years ago and a year ago, and it was dismissed.

[THE LORD BISHOP OF LEEDS]

It was a zero-sum game of winner takes all. Have we learned that the conflict metaphor, although effective, is actually disreputable?

On language, we have been subjected to repeated slogans and oversimplifications. We heard them again this morning but “Get Brexit done” is meaningless because we know that whatever happens today, Brexit will not be done. We will be on the starting blocks of Brexit. This was supposed to be the easy bit; well, I look forward to the difficult bit—or maybe not. This is not the end and we know that when we use this language, there are people in the populace beyond Westminster who believe it. We know, and I think we should learn, that slogans are more effective and powerful than reasoned fact or argument.

Briefly, on character, the UK’s global reputation is not exactly flying high as a result of Brexit. I will be in Hanover next week addressing parliamentarians, trying to explain Brexit and what has become of England—their question, not mine. I refer the House to Susan Neiman’s book, *Learning from the Germans*. What we learn from history is that we need humility instead of hubris. I await what that might look like in the culture of the future.

10.59 am

Lord Howell of Guildford (Con): My Lords, this is not the time or occasion for “we told you so” speeches and remarks, but it is odd how many supposedly well-informed people and authorities have got it wrong about the possibility of a deal. They clearly totally underestimated the will and resolution of the Prime Minister. It was not just in politics: the *Times* said there was no chance of a deal; the *Financial Times* said with great authority that there was absolutely no possibility of reopening the withdrawal agreement, except for the excellent Mr Münchau who spotted that there was. Several authorities in this very House, with great expertise and knowledge, asserted that there could be no possibility of any alternative to the backstop. The BBC now blames “conventional wisdom” for getting it wrong; what it means, of course, is that it got it wrong itself. All these people said that it was impossible to open the withdrawal agreement again and that there was no alternative to the backstop. Well, there was, and it is before us now. It is a huge opportunity for this country to go forward.

Many speeches have been based on the proposition that the Northern Ireland protocol happens tomorrow morning or on 1 November. It does not; this deal means a standstill of 14 months and an opportunity to develop sensible solutions in many areas. The Joint Committee has to work out the details of the protocol over the next 14 months. Even if it comes into operation, it does not do so until the beginning of 2021—after December 2020. It becomes relevant only if there is no comprehensive and balanced free trade agreement with zero tariffs, which is the prime aim and intention of Her Majesty’s Government and other negotiators. If that happens, the controls down the Irish Sea become largely redundant.

The nation as a whole is a winner from this deal, but I concur with my noble friend Lord Baker that the real winner is Northern Ireland industry. This explains

why industrialists throughout Northern Ireland are very anxious that this deal should be passed—Northern Ireland industry, Northern Ireland consumers and Northern Ireland prosperity. I speak as a former Minister of Commerce in Northern Ireland and know how incredibly difficult it has been over the last 20 to 30 years to attract investment to Northern Ireland. It is possible—we succeeded to a certain extent in my day—but I have no doubt that the position will be vastly improved with this deal.

I have a question for my noble friend when he winds up. At one stage, there was mention—perhaps a little fantastical—of a bridge between England or Scotland and Northern Ireland. Is that really a possibility? Would it not help physically to reaffirm the closeness between Northern Ireland and the rest of the United Kingdom: that we are all part of the same United Kingdom? That would be a great improvement.

If the Prime Minister loses this afternoon, or if the Benn-Letwin legislation prevails, will the EU actually grant the extension that that policy requires? I suspect that there will have to be a very short, technical extension anyway to get the withdrawal agreement through. I also suspect that the EU will be extremely reluctant to grant the three-month extension that the Benn-Letwin legislation requires. Mr Macron has made it clear that he does not want it, as has the Polish Prime Minister. Several others have suggested that this is not an appropriate delay and would merely lead to new difficulties three months on. I therefore doubt whether the three-month extension would be granted. Those who believe that it would, who believe that the Prime Minister will lose this afternoon and who argued for the conventional wisdom that there could be no deal were wrong then, and will be wrong again.

11.04 am

Lord Reid of Cardowan (Lab): My Lords, the House may not be surprised to know that I have not read every one of the almost 600 pages of this agreement this morning. I am not sure that it would have helped. I am reminded of Woody Allen saying: “I have been learning speed reading. I have just read *War and Peace*; it is about Russia”. However, I know enough to know that this is a bad deal. It is worse than remain and worse than Theresa May’s deal.

I will make three simple points. First, it will leave this country much weaker economically. Even on the Government’s own projections, made last year, a deal such as this will mean that, in 15 years’ time, we will be £130 billion worse off in GDP than we would have been had we remained. It is also worse than Theresa May’s deal, resulting in three times the reduction in national income than the deal she provided. This is not just a matter of graphs on an economist’s wall. This affects the prosperity of every citizen of this country, each of whom will be £2,250 worse off. That is a bad move, but it is a disaster because it will affect the poorest families most.

Secondly, it adds a threat to the stability of this United Kingdom. Speaking in this House on 3 July, I said that I was already worried that, for the first time in my lifetime, we were marching towards the prospect of the break-up of Britain. I see nothing in this deal

that assuages my concerns. Indeed, the special provisions for Northern Ireland are likely to enhance those concerns in Scotland. I am sorry that the DUP Members are not in their seats today, because they have played such a role over the last year or two. Despite the assurances that I hear on Northern Ireland, I accept the judgment of two Prime Ministers—Blair and Major, who did more than anyone else to end an 800-year conflict on the island of Ireland—who have warned about instability. I accept their judgment far more than that of the present Prime Minister, who famously said that the consequences of the border in Ireland were no greater than moving from Camden to Islington. What ignorance that is of the history, culture and sentiment of the people of that Province to come from a British Prime Minister.

On those two aspects, I think that we are much worse off with this deal. I suggest that those who say we could rely on being bailed out economically and in Northern Ireland by our allies—particularly by the President of the United States, because he is a reliable man when he pledges his word—should have a word with the Kurds and perhaps decide to reflect on that.

My third point is one which is rarely mentioned: the strategic challenges which will face this country over the coming years. The world has changed dramatically, despite the post-imperial delusions of the Little Englanders who think we can do what we did 300 years ago. We now live in a world where multinational companies cross borders; where migration knows no borders; where cyber, by definition, is worldwide—it is the world wide web; where all global finance and commerce crosses borders; and where the environment does not recognise territorial distinctions. If we isolate ourselves from a large power bloc such as the European Union, we will be much less influential in the world.

In short, this deal will leave this country more impoverished, its citizens less well off; as a United Kingdom, we will be less united, and as a nation state, we will be less influential. That does not seem to me a great new deal. I do not know what will happen in the House of Commons today. I have difficulty understanding today's politics: when my friend Jeremy is a potential Prime Minister and Boris is the actual Prime Minister, anything is possible. However, I know one thing: it will not be done today, as the right reverend Prelate said. There is a rocky road ahead of us for years, with sacrifices, negotiations, implementations, compromises and so on. We do not know the final destination, but at least the route is now clear. Because the route is now clear, in a way that it was not three years ago, we should put whatever solution we pass in this Parliament to the people. They have that right and we should do it.

11.10 am

Baroness Ludford (LD): My Lords, I am pleased to follow the noble Lord, Lord Reid; I agreed with every word. I found the opening remarks of the noble Baroness, the Leader of the House, somewhat perplexing. She reproached those of us arguing against Brexit for not arguing for a federal Europe. The clue is in the name: “remain”. We just want the status quo, not to expand or change our existing terms of membership.

I agree with Tony Blair—not something I used to say. He rightly says that the Government are using the, “sentiment of ‘let’s get it done, let’s get it over with, end the agony’, to sweep away proper scrutiny of what is a profoundly bad deal for our country”.

Tony Blair is right that:

“You don’t take a decision of destiny through a spasm of impatience”.

Boris Johnson had previously damned the division of Northern Ireland and Great Britain through regulatory checks and customs controls down the Irish Sea, declaring that:

“No British Conservative government could or should sign up to any such arrangement”.

Now, he says that this is a fantastic arrangement. It is a looking-glass world. Can the Minister, in winding up, clarify how these arrangements comply with Section 55 of the Taxation (Cross-border Trade) Act 2018, which makes it unlawful for the Government to enter into arrangements whereby Northern Ireland forms part of a separate customs territory from Great Britain?

It is astonishing that the Chancellor refuses to give us a new economic analysis, but both government and independent figures suggest that every household will be around £2,000 worse off than even under Theresa May’s version—a drop of 6% or 7% in GDP. The weaker Canada-minus trade relationship that this Government envisages, compared with Mrs May’s association agreement, will worsen that prospect. The Home Secretary, Priti Patel, told Radio 4 yesterday that access to the customs union and single market would be good for Northern Ireland’s economic stability and security. Excellent. So why is such access being torn away from England, Scotland and Wales? It would be good for us too. Instead, the Government want to cut the rest of the UK adrift from the continental internal market. This does not honour the heritage of Mrs Thatcher.

Hard Brexiters are being encouraged to vote for the Johnson deal with a nod and a wink that it will still allow a no-deal crash-out next year, leading former Chancellor Philip Hammond to write that he would not be,

“duped into voting for a heavily camouflaged no-deal at the end of 2020”.

Quite right. The Government’s plan for a much looser trading relationship gives far greater scope for divergence, with no reference to dynamic alignment with EU rules or a level playing field arrangement. This means no guarantees for employment rights or environmental and food standards. I am really not sure how any progressive politician could vote for this deal.

As for the promise of slashing red tape, being outside the customs union and the single market will bring a cost, time burden and job losses for British businesses. My noble friend Lord Newby talked about rules of origin and the devastation for the car industry. In Northern Ireland, the need to juggle two customs, regulatory and VAT regimes for trade will be onerous. For consumers, there is the loss of pet passports, recognition of driving licences, free roaming or free emergency healthcare under the EHIC card—they are all being torn away. It is more bureaucracy, more administration and no slashing of red tape.

[BARONESS LUDFORD]

The noble Baroness, the Leader of the House, spoke of the wonderful prospect of international trade deals. President Trump has just imposed a 25% tariff on imports of single malt whisky. Smaller independent whisky producers risk having their “feet taken out from under them”, as one said. Compare this with how the EU has used its clout to lever open markets for Scotch whisky in Asia that were previously heavily protected by tariff walls. We cannot trust President Trump.

From the loss of free movement rights to the impact of weaker cross-border law enforcement arrangements with loss of access to key EU security tools, this is a bad deal. As the right reverend Prelate the Bishop of Leeds said, we need humility, not hubris. The people must have the final say.

11.15 am

The Earl of Kinnoull (Non-Affl): My Lords, it is a pleasure to follow the noble Baroness, Lady Ludford, whose insight has been informed by her time as a distinguished MEP.

Last year, the draft text of the then withdrawal agreement appeared on 14 November, the finalised text appeared on 26 November, the debate in the House of Commons began on 4 December and our own debate on 5 December. The European Union Committee report on that agreement and the political declaration appeared on 4 December as well, in order to inform debate. The new Northern Ireland protocol is a particularly long and complex document and the political declaration, although shorter, is full of subtleties. I, like the noble Lord, Lord Newby, with only a non-sitting Friday to analyse these documents, strongly regret that the House of Commons is being asked to agree them without the scrutiny committees having any opportunity to inform their decision.

The new withdrawal agreement is 536 pages long and consists of six parts in the main body, three protocols, including the Northern Ireland protocol, and nine annexes. The only bit of the withdrawal agreement that has changed is the Northern Ireland protocol, with a couple of very small conforming changes in the main body of the agreement. Accordingly, I would commend our report of last December on the withdrawal agreement. In it, we described the joint committee as, “a uniquely powerful and influential body”.

It has, for instance, the power to amend the withdrawal agreement itself in certain ways and, most especially, it also has the power to extend the transition period. Our conclusion about the power was that,

“this is a widely drawn power, and is not subject to clear scrutiny procedures or parliamentary oversight”.

We also felt that the joint committee was not transparent. The rules governing the joint committee are governed by Annex VIII of the withdrawal agreement—an annex that of course has not changed. In commenting on the rules, we said last year that:

“The relevant rules suggest that meetings would be confidential, decisions might not be published, and even summary minutes might not be made publicly available”.

This lack of scrutiny in the withdrawal agreement is clearly deeply unsatisfactory. I ask the Minister, when he gets up—I realise that this was partly addressed in

what the Leader of the House said at the start but, I felt, not strongly enough—to confirm that the Government intend to engage with Parliament on how scrutiny over the joint committee will work and, in particular, how Parliament will exercise control over extensions to the transition period.

This is of course not the only scrutiny that is important. Switching to the *Beyond Brexit* report that we delivered in March this year—a report which, I regret, has still had no government response—the committee unsurprisingly concluded that it was equally important to have strong scrutiny of the negotiations of the future relationship discussions for the UK and European Union. Indeed, in the joint statement of 11 March, which supplemented the then political declaration, there was specific reference to the “appropriate involvement of parliaments”. Can the Minister give us further comfort and confirm that this is still the Government’s position and they will engage with Parliament?

In closing, I submit that the lack of engagement by the Government of Parliament has been a root cause of the problems of the process to date. We must not compound that error going forward.

11.19 am

Lord Whitty (Lab): My Lords, wise words from the noble Earl. The House will be looking to him and his committee—my commiserations to him there—to make sense to this House of what is about to follow.

The noble Baroness the Leader of the House made what was intended to be a great unifying speech, but, unfortunately, it came against the background of great division. She did not explain to the rest of us why it is now that this deal, as compared with Mrs May’s deal, is attracting the support of the right wing of the Conservative Party in a way in which the previous one did not. We have been conned into believing that this change is entirely to do with Northern Ireland. There are changes on Northern Ireland, and noble Lords may well be right that they are beneficial for Northern Irish industry, although those beneficial changes do not apply to the rest of British industry, but they do not in any way resolve the divisions there.

The real change is not on Northern Ireland; it is that we have diluted what references there were to regulatory environment alignment—in the legally binding part of the documentation they are weakened and in the political declaration the choice of trade arrangement has been narrowed such that, rather than the closely aligned two economies that were envisaged in the Chequers agreement and Mrs May’s agreement, the options are confined to what amounts to a Canada-minus-minus form of trade agreement. That is not progress. If anything, it is taking us back. I hope this House and another place recognise that they, the public and the media have to some extent been conned over the last few weeks.

The Prime Minister is a great entertainer. He is a great illusionist, but entertainment is not the same as statesmanship. Like charlatans through the ages, he first embraced and then betrayed Mrs Foster and the DUP. Like a two-bit conjurer, he has got us to concentrate on one hand while doing unmentionable things with

the other. The reality is that this is taking us to a more deregulated economy which will reduce not only employment rights but food safety, animal welfare and environmental protection in a way in which elements in the party opposite, although by no means everybody in it, have always tried to see as the consequence of Brexit.

I appeal to those one-nation Tories who did not feel able to support Mrs May's agreement and to those Labour MPs from Brexit-voting seats who likewise could not support Mrs May's agreement that, from the perspective of logic, intellectual content and moral duty, they should not support this agreement either. It is taking us down a road for which there is no consensus in the population. There is antagonism to that road from large sections of British industry. The people of Britain will be the worse off for it, not only economically but in quality of life; if the Government persist in going down this road, and if somehow the deal gets through the House of Commons, it is very important that those people get a chance to have a say on it. Therefore—and I did not start from this position—I have come to the conclusion that, at some stage in the process over the coming months, the whole issue has to be put back to the people.

11.23 am

Lord Oates (LD): My Lords, the Prime Minister, we are told, has succeeded where all said he would fail. He has returned apparently triumphant, with a deal that the nay-sayers said could not be done. Or so his champions claim. Not all the nay-sayers doubted he could do it. I certainly did not, and I suspect that many others who have studied him over the years did not either. Experience suggested that he had just the qualities to succeed. As the noble Lord, Lord Whitty, has said, he is the quintessential showman, the man of smoke and mirrors who always prefers style over substance. It is not so hard, after all, to get a deal if you do not care much about what is in it or anything about the people you are prepared to betray to get it.

The Prime Minister is well practised in the art of abandoning people who are no longer of interest to him, as the DUP is now finding out. I cannot pretend to have huge sympathy for the DUP, because if you make government a purely transactional matter to get what suits you, you should not be surprised when the entity you are transacting with repays you in kind.

Nor do I have much sympathy for the DUP's claims that the deal breaches the consent principle. It did not seem to care much about the consent of the nationalist community, or indeed the people of Northern Ireland as a whole, when it backed the disastrous policy of Brexit. We all failed Northern Ireland ahead of the referendum in not recognising the full extent of the difficulties that would be thrust upon its people, but no party failed it more than the DUP, which has done more to undermine the union than any allegedly unionist party in history. It is living proof of the adage that tactics without strategy is the noise before defeat.

So much then for how we have got here. What about where we have actually arrived? It is a dismal location. Someone described it to me as lipstick on Theresa May's deal, but that implies something more attractive, and the changes that the PM has secured make it less attractive,

if that is possible. It is nothing like the outcome promised in the referendum: it undermines the integrity of our union; it makes one part of our country subject to the courts of the European Union, which the Brexiters told us was unforgivable; it puts a border down the Irish Sea, which the PM told us would be unconscionable; it will make us all substantially poorer—estimates suggest, as the noble Lord, Lord Reid, has said, that the deal will leave people around £2,000 worse off on average; far from having millions to spend on the NHS, we will have billions less to spend on everything. So much for the promises of the leave campaign. These are not abstract consequences; they are real-life consequences that will impact people up and down the country.

Of course, it will not be the elites who will feel the chill. The Brexiters who occupy the Privy Council Front Bench will doubtless be fine, but people on marginal incomes will not: people who work in businesses that will have to close their doors or have already done so and people who work in industries that will depart or already have departed will not. For so many Brexiteers this has seemed a political game, an ideological obsession that must be indulged no matter the cost to our economy, people and union. Now they tell us that Brexit was never about money, although one might have been misled on that point by what they had to say on the side of their bus. However, they have had no choice but to concede it given what is coming down the road for our economy.

The noble Baroness the Leader of the House tells us that the British people wish to see Brexit delivered in accordance with the referendum, but this deal is nothing remotely like what was promised in the referendum. If the Brexiteers wish to dispute this, let them put it to the people so that they can determine the outcome. But they will not. The people, they say, have spoken. They must never be allowed to speak again. The Prime Minister, the ERG and even the noble Lord, Lord Callanan, are allowed to change their minds, but the people are not; they are not to be allowed even to express a view.

The Leader of the House tells us that we must get Brexit done. This deal does not get it done. It is only the beginning of a tortuous process. The only thing that might be done for today is the future of our United Kingdom. I believe there was a rugby match played this morning. I am delighted that England won, but I hope that this afternoon in the House of Commons it will be the United Kingdom that is the victor in the vote, that this damaging deal is rejected and that the people are given the final say.

11.29 am

Lord Kerr of Kinlochard (CB): I thought that Mrs May's deal was a bad deal for the economy and I am sure that this is a worse deal for the economy. That comes as no surprise, because the Prime Minister's letter of 2 October to President Juncker made it clear that we wanted a more distant relationship, which is why Carolyn Fairbairn of the CBI pleads:

"Decades of free and frictionless trade ... forged by thousands of firms big and small, must not be abandoned".

I of course accept that intellectually honest right-wing libertarians have always agreed that there is a trade-off. It is a question of autarkic sovereignty versus economic

[LORD KERR OF KINLOCHARD]
well-being, and they prefer autarkic sovereignty. I strongly disagree with the way they put the issues, because it is not their jobs at stake, but I can respect their argument. What really shocks me is how narrowly English is their little-Englander concern for sovereignty, and how far Mr Johnson has moved on this—or been moved on this—in the past fortnight. It is fascinating to compare the proposals that he sent to Brussels with those he came back with. One recalls the lady who went for a ride on a tiger. Or perhaps the lesson is that it is dangerous to have an unchaperoned walk in a Wirral garden.

Mr Johnson told the DUP conference that he would never agree to a customs frontier in the Irish Sea. Mrs May said that no Prime Minister ever could or would. Mr Johnson just has. He wants us to sign up today to an internationally run frontier between two constituent parts of the United Kingdom. Internationally run? Yes, because the Commission will never leave it to us to decide which goods might be at risk of moving across the inner Irish border.

Caught by his own “do or die” deadline, the Prime Minister has been forced to drop all talk of alternative arrangements. Instead, Northern Ireland will stay in the EU single market for goods, stay in the EU customs union, apply EU laws, regulations and VAT rules and respect ECJ jurisdiction—all with no semblance of democratic control. Northern Ireland will not be asked to consent to any of that for at least five years. The whole concept of cross-community consent, central to the Good Friday agreement, has gone. For Northern Ireland, the trade-off is the other way round: prosperity, which comes from the all-Ireland economy, accounts for more than sovereignty.

I have to ask the noble Lord, Lord Baker, who served with great distinction in Mrs Thatcher’s Cabinet, whether he honestly thinks that the Iron Lady would have put up with that impairment of UK sovereignty, because I do not. Why does an intellectually honest Spartan—if there is one—swallow it? Presumably because his concept of sovereignty is English-specific. Mr Johnson should beware: the Scots are watching. A little-Englander approach breeds comparable chauvinism elsewhere. Scotland, like Northern Ireland, voted to remain, but Scotland, unlike Northern Ireland, will bear the full economic costs of Mr Johnson’s deal—costs that he and his Cotswold friends will hardly feel. These imbalances breed justifiable resentments. In the Scottish referendum in 2014, I campaigned for the union. Next time, the decision for me will be more difficult and the outcome will definitely be more uncertain. The best way to maintain the union of the United Kingdom is to stay in the European Union.

Given its costs, economic and political, it is no wonder that Mr Johnson is scared to put his deal to the people, but I honestly believe that we should. In 2016, no one voted to be poorer, and no one told us then about a frontier in the Irish Sea. Indeed, I recall Mrs Villiers, the then Secretary of State for Northern Ireland, assuring the people of Northern Ireland that there was no question of any change in frontier and border arrangements.

Now that people can see the price of Brexit, is it not reasonable to ask them: do you want to go ahead and pay it? For my part, I am with the crowds outside in

the square. I hope that Parliament will today reject a deal worse than any previously mooted, reject a suicidal no-deal and use the Benn Act’s extension period to ask for the people’s choice—this time determinant, not advisory. I see no other route to closure.

11.34 am

Lord Howard of Lympne (Con): My Lords, it is always something of a bittersweet pleasure to follow the noble Lord, Lord Kerr, if only as a faint reminder of the long-ago days when we worked together in relative harmony. I begin by addressing one of the observations made in her opening remarks by the noble Baroness the Leader of the Opposition. She complained that the views of the 16 million people who voted to remain in the European Union referendum were being, to use her word, “ignored”.

I pose this question. Can there be any doubt that if it had gone the other way—if 17.4 million people had voted to remain and 16 million people had voted to leave—the view of the 16 million would have been, to use the noble Baroness’s word, “ignored”? Can there be any doubt that we would simply have remained in the European Union and the 16 million people’s views would have been ignored? In fact, the decision to remain or to leave is in essence a binary choice, and that choice was made by the people of the United Kingdom in the referendum of 2016. In particular for the reasons advanced by the noble and learned Lord, Lord Judge, with whose speech I entirely agreed, that decision must be respected and implemented.

I congratulate the Prime Minister on the result of his negotiations. He has achieved what I believe to be a good deal—a deal that many thought impossible—and he deserves full credit for that. The merits and alleged demerits of the deal have been extensively disseminated over the airwaves and in print over the past few days and in your Lordships’ House this morning. I do not propose to weary your Lordships by repeating them: I want to make one simple additional point.

The cry of those who oppose this deal—I exclude the opposition from the Brexit Party, which verges on the eccentric—and which we have heard this morning, is that Brexit, including the form of Brexit in this deal, will damage our economy. That argument, which we have heard many times, is based on forecasts that may well prove mistaken. I think it was the great economist John Kenneth Galbraith who said that economic forecasting was invented only to give astrology a bad name.

I think everyone would agree that our economic performance has been held back over the past three years by the uncertainty over our future that has bedevilled the period which has passed since the referendum. Although it is impossible to predict the precise outcome of any rejection of this deal today, it is absolutely clear that almost all possible outcomes of that course of action will increase the uncertainty and the economic difficulties.

I say almost “all possible outcomes”, because I suppose one would be that we Brexit without a deal of any kind. That would not necessarily increase the uncertainty, but it is obviously not an outcome desired by those critics of the deal whose arguments I seek to address. All other outcomes would, beyond dispute, increase the uncertainty.

An extension would, by definition, increase the uncertainty. A second referendum would increase the uncertainty. A general election to determine this issue would increase the uncertainty.

Yet these are the outcomes urged on us by those who complain that this deal would cause economic damage. I beseech them to consider and reflect. If they are democrats, they must respect the result of the referendum. If they are realists, they must recognise the damage to our economy that would be caused by the prolonged uncertainty that rejection of this deal would bring about. If they have the interests of our country at heart—and I know they do—they must see that this deal presents a unique opportunity to resolve this most intractable issue, to move on and to bring our country together again. I commend the Prime Minister's deal to your Lordships' House.

11.39 am

Baroness Armstrong of Hill Top (Lab): My Lords, I am fascinated to follow the noble Lord. I profoundly disagree with a range of things he said. He started by asking what the position would be if the referendum had gone the other way. That was made extremely clear to us. Nigel Farage said, "If this goes the wrong way, the campaign for the next stage will begin immediately and we will continue with that". The reality is that we are in this position because the Tory party was frightened of Nigel Farage and the people in ERG; that is why we have ended up in this ridiculous mess.

However, I will start with the changed arrangements on regulatory alignment. The reason for them being changed can only be the glorious rhetorical pleasing of the ERG, because as soon as we move out of regulatory alignment, that will put our manufacturing industry—particularly where there is inward investment, with reliance on a complex supply chain and with most of the exports going to Europe—in real danger. That is my response to what the noble Lord, Lord Howard, said.

In my region, we have rebuilt from the loss of the pits, the shipyards and the steelworks. We have rebuilt our economy around inward investment and complex manufacturing programmes. Whether it is steam, the railways—tomorrow, I will be going on the new Azuma, built and constructed in Newton Aycliffe—or Nissan cars, the intricacy of the relationship between what regulatory alignment means and the ability to get the supply chain in the way it wants means that, yes, on the certainty of this deal, companies are now beginning to say, "We cannot progress and further invest if that is the road the UK is taking". Have the Government done an impact assessment for the manufacturing industry, particularly for the sort of manufacturing industry that I have just described? I suspect that they have not.

I confess that I am bewildered by the arguments around taking back control and sovereignty. As my noble friend Lord Reid said, the only way that we can survive is by recognising and understanding the interconnectivity of this world. To say that we can go back to a glorious past where we can maintain relationships on our own is naive and, quite honestly, offensive to the way in which some of those other countries have tried to make accommodations—not

from their hard-line, personal, individual positions but from trying to make partnerships and relationships because they recognise that, in such a complex and interconnected world, it is only through working with others very firmly that we will ever be able to make progress.

The other thing is that this is a con. I was very moved by the words of the right reverend Prelate the Bishop of Leeds. This is about our culture. It is about who we are and our values. Little England does not describe it because, apparently, Little England does not include the north-east of England. It is also about what we mean by "democracy". Over two years ago, I begged the Government to do more to consult properly and work with people, to make sure that they knew how people really felt and what they really wanted. I spend a lot of time with people from the citizens' assembly that was conducted by, I think, King's—either King's or University College. People's views changed—all of them—because they began to understand the different issues. We have never allowed that of the British people. We could have done it and we should have done it—and because we have not done it, we have an absolute responsibility and no option but to go back to them now, to let them see where the original referendum has led to and to give them the opportunity to ask, "Did we get it right? Did we not? Will this lead us to the sort of country that I want to live in?"

11.45 am

Lord Purvis of Tweed (LD): I agree with the noble Baroness. One reason is that, for the first time in our union's history, part of our union will be under the legislative authority of a foreign entity in which the people living in that area will have no representation. Part of our union will have the laws governing its economic policy and trade regulations set by a foreign entity whose rules they will have no say in. Taxes affecting businesses and consumers will be set by that foreign entity but their representatives will have no vote on them. To be clear: according to the schedules to the new backstop, 371 laws and regulations that would not apply to Great Britain would automatically be applied to Northern Ireland. On 1 October, the noble Lord, Lord Duncan, stated:

"Any deal on Brexit on 31 October must avoid the whole or just part—that is, Northern Ireland—being trapped in an arrangement where it is a rule taker".—[*Official Report*, 1/10/19; col. 1620.]

That is what the Government propose today. The Conservative Party frequently lauds the fact that it is the Conservative and Unionist Party owing to its role in the defeat of Irish home rule, but it now puts in front of us a proposal for the UK to be one country with two systems. We can see elsewhere in the world how effective that is. Yesterday, this "one country, two systems" Brexit was hailed by the Foreign Secretary as terrific news for Northern Ireland because it will stay aligned with the EU. Presumably, he will now say that doing so is also open to Scotland.

The deal is utterly contrary to the Government's position when they adopted the UK internal market framework, which this Parliament debated, and when they explicitly said that there would be no division within the four nations of the union. Given that it is also the opposite of what Boris Johnson presented to

[LORD PURVIS OF TWEED]

the DUP conference, when he said that this would never happen under a Conservative Government, there is little surprise that the lines in the sand have been washed away by waves of duplicity. As my noble friend Lord Newby said, in January the noble Lord, Lord Callanan, stated:

“We will give an unequivocal commitment that that there will be no divergence in rules between ... Great Britain and Northern Ireland”.—[*Official Report*, 9/1/19; col. 2222.]

The House can make its own mind up about where equivocation lies. Yesterday, the Home Secretary spoke doublespeak with alacrity on the BBC. She claimed that the deal takes back our laws—but not the 371 of them that apply to Northern Ireland and, therefore, the jurisdiction of the European court. She said that it takes back our borders—but it creates a new border between the nations of our island and, as the noble Lord, Lord Kerr, indicated, a new European Union border within the United Kingdom for the first time in our history. She said that it takes back control over our money—but we will be a tax collector for the EU, and the UK bodies in Northern Ireland will be forced to apply EU taxes that they have no role in determining.

How do the Government intend the deal to work? There will have to be a Northern Ireland economic quarantine, which will be compounded by the already hugely negative impact on the UK as a whole, and, because the Chancellor of the Exchequer refused to publish an impact assessment for this debate and referred back to the Government’s forecasts—which Conservative Members have disparaged—we know that there is likely to be more than 6.7% less economic growth. Moreover, the regulatory burden on Northern Ireland businesses will be immense. The closest we can get to estimating what that would be likely to be is in the most recent publications from HMRC, which show the potential for the crippling bureaucracy that is likely to be in place. The Northern Ireland economy is fully integrated into the GB economy, with a third of businesses purchasing from GB also selling to the EU. That is 3,500 businesses, but they have no idea of the regulatory system covering what they will have to declare for their goods when they go on to the rest of the EU or Ireland, and there is no indication of how these issues are to be assessed or resolved.

Finally, if the Government no longer talk about money, business bureaucracy and the union, we should consider the mothers of those Spartan soldiers who told them, “Either come back alive or on your shield”. We now see the “Spartans” fully alive but with the shield of Northern Ireland carried in their back pockets and, as we have heard from some Conservative noble Lords, they will quite happily sacrifice it if it puts at risk the English priority of Brexit. I am a borderer, and it will break my heart if this union breaks up. Today is an historic day, because we are potentially seeing the start of that. I hope that the whole House will recognise that the people of all our four nations should have a say, not just three of them as this Government propose.

11.50 am

Lord Hannay of Chiswick (CB): My Lords, we are here on a Saturday morning, holding an emergency debate on Brexit, for the first time since the Falklands War—which really was an emergency—and we are

doing so under false pretences. There is no such time-sensitive national emergency over Brexit, only an attempt by the Prime Minister to bounce this deal through Parliament without proper time for scrutiny and reflection rather than to do the sensible thing and ask the EU for a little more time. There is a mandated approach in the Benn Act, but this is more like the practice of a banana republic than it is of the mother of parliaments. I have yet to hear a serious argument in favour of the deal which has been struck other than that it exists and that it is better than nothing. I have listened to and take very much to heart what the Convenor has said about listening to the other arguments, but I have heard no advocacy for this deal of a serious kind.

That is perhaps not surprising because for the last two weeks, this Government, like their predecessors in the final weeks before the March deadline, have been following a strategy of, “Any deal is better than no deal”. Huge amounts of baggage have been thrown overboard on the final stage of the journey. No part of the Government’s early October text has emerged unscathed, yet it is still being said that this is a good deal when it is quite evidently worse even than Mrs May’s deal, which quite a few Members of the Government rejected.

The arrangements for Northern Ireland trade are of unbelievable bureaucratic complexity. The hated Irish backstop has been turned into a “frontstop”. All this has been done quite unnecessarily, as the approach recommended by your Lordships’ House on the Trade Bill of remaining in a customs union with the EU would have solved the whole thing at a stroke. Then let us take the provisions for a level playing field between us and the EU, which will be absolutely crucial to the quality of any trade agreement that we negotiate post Brexit. By a devious sleight of hand, the commitment to a level playing field on labour laws, the environment and much else has been switched from the legally binding withdrawal treaty to the totally aspirational and non-binding political declaration. That is not of much comfort to those who actually depend on those rights. As a lifelong supporter of the union of the UK, I say that the damage that this Government and their predecessor have inflicted and continue to inflict on the union is painful. Can anyone seriously contest that remaining in the EU would reverse that damage and strengthen the union in Scotland, Northern Ireland and Wales?

Those are just a few reasons why I hope that the honourable gentlemen in the other place will vote against the Government’s deal. If this is such a wonderful deal, why on earth do they hesitate to put it to the people in a referendum so that they can have a final say? That is surely the best and most effective way of conducting the end game in this interminable saga, because we now have a clear alternative to remaining in the EU in the form of the Prime Minister’s deal. Let us ask the people what they think of it.

11.55 am

Lord Mackay of Clashfern (Con): My Lords, I am sorry that my voice is not as I would like it to be today. My intention is simply to talk about the law as it is just now. My understanding is that unless we have a deal approved before 31 October, we will go out of the European Union without a deal. It is said that there is

an answer to that in statute. The noble Lord, Lord Rooker, and I know a good deal about that, and I want to draw attention to a provision in the Benn Act which I think is important. I refer to Section 1(4):

“The Prime Minister must seek to obtain from the European Council an extension of the period under Article 50(3) of the Treaty on European Union ending at 11.00pm on 31 October 2019 by sending to the President of the European Council a letter in the form set out in the Schedule to this Act requesting an extension of that period to 11.00pm on 31 January 2020”.

Why? What is this wanted for? It is,

“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”.

That is the purpose for which the extension is being sought. Is there any truth in that as a purpose? I think not. I see no likelihood that the Parliament of the United Kingdom is going to debate and pass a Bill to implement Mrs May’s agreement. Therefore, what the Prime Minister is being asked to do is to send a letter for a purpose which we all know is incorrect. I must say that I am finding it very difficult to understand how we can do that.

This point was fully discussed in this House during the proceedings on the Benn Bill. I did not know anything about the history of this provision and I was amazed, when I read the text of the Bill at Second Reading, that this was in it. The noble Lord, Lord Rooker, will remember that; others beside him had the same feeling. I was astonished. Then, on the Friday morning, my noble friend Lord Forsyth of Drumlean sought to get rid of that provision, but by a very large majority this House kept it in. That is the position and I would certainly like to know what we can do in the light of it, because otherwise, the law is in our statute book.

I should like to mention briefly one other point. In the decision of the Supreme Court, the important point was that Parliament has the responsibility, duty and power to call the Executive to account. You cannot easily call yourself to account and therefore, that makes a very important constitutional distinction between the area of operation of Ministers of the Crown and Parliament. That is an important observation in relation to certain of the proceedings which have taken place up until now.

11.59 am

Lord Rooker (Lab): My Lords, with respect to the noble and learned Lord, I do not have an answer. The fact is that the House was under the Prorogation guillotine, and that Bill could not take a change because it would not have been possible to swap down the other end and get it back. We were under the guillotine of the illegal Prorogation presided over by the Leader of the House.

A good line is always worth repeating. This deal is no good, because any deal is worse than membership of the European Union. Under current EU rules, we already have control—if we wish to exercise it—of our laws, borders and money. That is a fact. We should look not at next week, next month or next year, but a decade ahead. Brexit fatigue makes it tempting for some people to grab what they think is a comforting end, but it is not. What looks okay in the short term

can look very negative in the long term. If the Government are so certain, put the deal to the people to obtain a fresher consent instead of relying on the stale and somewhat smelly consent from 2016. If the people choose this deal, so be it.

As has been said many times this morning, this deal puts the union at high risk of being dissolved. I well understand. If this goes through, I will find it incredibly difficult to vote against the border poll both on the island of Ireland and in England and Scotland when the requests come.

Yesterday, Tony Blair—still Labour’s best election winner—pointed out the inherent contradiction between paragraphs 22 and 77 of the political declaration regarding trade. I am referring to the document we had last week—not the one this morning, which might have changed. There is an inherent contradiction between those two paragraphs regarding trade.

Removing the annexes to the Northern Ireland protocol from the original withdrawal agreement was not necessary following the removal of the Northern Ireland protocol itself. There were 10 annexes that were not really connected to Northern Ireland, and annexe 4 of the legal document dealt with taxation, environmental protection, labour and social standards, including agreements and monitoring. The Government could have allowed those annexes to remain part of the legal part of the withdrawal agreement. The Government therefore knowingly want lower standards, in order to obtain free trade agreements.

Lower standards of protection will lead to consequences. The push for a free trade agreement with America—the food poisoning capital of the West, where food poisoning rates are 10 times those of the UK per head of population—will have consequences. I realise that this is a minor point of detail, but research published in the UK only last year by the Microbiology Society proves that chlorine-washing food does not kill all the bugs. Given that more than 400 people a year die of Salmonella in the United States of America, compared with none here, it seems we are heading for very serious life-and-death consequences. Questions will be asked in due course as to the level of Brexit-related deaths the Tory Government are prepared to accept. I realise that it is stark, but those questions will be asked in due course as standards get diminished.

I am not a lawyer, but I maintain that the UK is a sovereign nation today. I also maintain that we will be less sovereign outside the EU.

12.03 pm

Lord Pannick (CB): As some of your Lordships will know, I have a particular interest in the legal aspects of Brexit. Depending on the votes today in the House of Commons, important legal issues may arise under the Benn Act, the European Union (Withdrawal) (No. 2) Act 2019. If the House of Commons today approves the amendment tabled by Sir Oliver Letwin withholding approval of the Prime Minister’s deal unless and until the implementation Bill is passed in the next two weeks, or if it rejects the Prime Minister’s deal, the Prime Minister has a legal obligation to send the prescribed letter to the President of the European Council by the end of today. He must seek an extension under Article 50 until 31 January next year.

[LORD PANNICK]

The Minister, the noble Lord, Lord Callanan, has repeatedly told this House that the Prime Minister would comply with the law and has repeatedly resisted the request to amplify what he understands that to mean. This legal obligation would require the Prime Minister personally to send the prescribed letter—the Act sets out the letter—by midnight. In my view, the Prime Minister has that duty irrespective of the purpose of the extension to which the Act refers—a point to which the noble and learned Lord, Lord Mackay of Clashfern, referred a few moments ago. If the EU offers an extension, it must be accepted in accordance with Section 3 of the Benn Act. The Prime Minister would have a legal duty not to frustrate the Benn Act by adding some other phrases to the letter or sending another, conflicting letter. If the Prime Minister did not comply with this legal duty, I do not see how any reputable Attorney-General or Lord Chancellor could remain in post.

The Benn Act, however, does not, and could not oblige the European Council to grant an extension, and nor does it prevent the Prime Minister reminding the EU member states that he does not want an extension, wants to leave on 31 October and is sending the letter only because Parliament has required him to do so. I do not see that the Benn Act can sensibly be interpreted as requiring the Prime Minister to abandon his policy objectives.

There is a very fine line between not frustrating the Benn Act and the Prime Minister making clear to other EU leaders that his policy is unchanged. What if the Prime Minister telephones another EU leader on Monday and encourages him or her to oppose or even veto an extension? That would be an interesting Supreme Court case.

Section 1(4) of the Benn Act says:

“The Prime Minister must seek to obtain from the European Council an extension”,
but it then adds how he must seek an extension—

“by sending to the President of the European Council a letter”.
I doubt that the courts would interpret the Benn Act as also requiring the Prime Minister to refrain from pursuing his policy objectives by other political means.

What if the Supreme Court in the next two weeks were to hold that the Prime Minister has acted unlawfully by breaching the Benn Act and persuading the EU not to offer an extension? As a matter of EU law, would we still be treated as leaving on 31 October because the EU has not offered an extension, or would the requirement in Article 50.1 be determinative? I quote:

“Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements”.

That question would have to be decided by the Court of Justice of the European Union.

12.08 pm

Baroness Harding of Winscombe (Con): My Lords, it is somewhat daunting to follow the noble Lord, Lord Pannick—and the number of other eminent lawyers and parliamentarians who have spoken and are now departing—on this subject.

I shall speak from the perspective of a businesswoman. Many people have said to me, “Why has business been so silent on the topic of Brexit recently?” We listened

to all the eminent and learned opinions this morning and some very entrenched views, and it is not that surprising that businesspeople are keeping their heads down and trying to avoid this topic. But here goes: I will try.

I have learned two things in business that are relevant. The first is that it is important to actually make a decision. Sometimes, when you are leading large numbers of people, the worst thing that you can possibly do is not decide to do anything at all. I fear that that is exactly where we are, not just as a business but as a country. The second relevant thing that I learned in business is that the hardest thing to do in any negotiation is to know when it is time to stop and to know as a leader when it is time to pull the negotiating team away, call a halt to this phase of the negotiation and move on. Again, as the noble and learned Lord, Lord Judge, said so eloquently earlier, I believe that is where we are.

We really need to move on. Unusually, at a time when we are told not to listen to experts but to listen to the public and popular opinion, both experts and popular opinion agree on this. The Bank of England’s Financial Policy Committee said on 9 October:

“Brexit uncertainty is weighing on business investment, the prices of UK assets and flows of capital into the UK”.

I declare my interest as deputy chair of the Court of the Bank. The experts tell us unambiguously that it is the uncertainty that is crippling our country.

Go out on to the street of any village, town or city across this country and ask ordinary people going about their daily lives what they think about Brexit and politics. They want us to get on with it. So unusually, the experts agree with the popular view. Again, as the noble and learned Lord, Lord Judge, said, we have this confluence of business, economics and politics telling us that we need to move on.

We need to accept this deal, and that requires all of us to move. It requires those of us like me, who voted and campaigned to remain, to accept that the country voted to leave. It also requires those of us who voted to leave to accept that this might not be their ideal Brexit, but it is a very hard-fought, long-negotiated deal and Brexit it is. We are doing irreparable damage to this country by not making a decision—and I do not accept that I am describing Brexit fatigue. It is leadership to move on when it is time to make a decision and show the country the way forward.

12.12 pm

The Earl of Listowel (CB): My Lords, I follow the noble Baroness in urging all Members of your Lordships’ House that this is the time to move on. My noble and learned friend the Convener looked at the rational approach to these things. Looking at the documents in detail, we have had the rational approach from my noble friend Lord Kerr about the economic harm that will come about by our leaving the European Union. There are many rational reasons. The most vulnerable are likely to be most harmed by our leaving the European Union in the way proposed. But if we keep on waiting it may become even worse.

There is another side to this: the emotional concerns. Everyone around Churchill in 1940 was telling him that it was all over and that the rational position was

to give up, but he managed to move the British people, to give them hope that sunlit uplands were approaching. In this debate, it is important to understand the emotions of people as well as the reasons. In your Lordships' House, we always seek to be as reasonable and logical as possible, but there is a strong emotional aspect to this. One of the strengths of the Prime Minister is understanding very well the emotional impulses behind people's actions.

As I travelled here today, I sat with a Labour MP who has a secure seat in a northern constituency that voted strongly to leave. I have known this redoubtable MP for many years, and I know that she would be strongly against leaving and can see all the benefits of continuing to be part of the European Union. For several years now, she has tried to reconcile that difficulty. My concern is, as my noble and learned friend said, that we might get a leader who can speak to the emotions of those who feel bitterly disappointed.

My father was a Member of your Lordships' House for 65 years. He was the Father of the House. His advice to me was, "Do not raise people's expectations and then disappoint them". We have raised the expectations of many of our people and they believe strongly that we should leave the European Union. How can we know that we will resolve this issue? I pay tribute to the Prime Minister and his negotiators for seizing a deal out of what seemed a very unlikely scenario. How can we know that we will succeed in another a referendum? Is there not a risk that this will just drag on and on, drawing all our energies into this continuing debate? We have talked about this as a divorce, but it is becoming a long, acrimonious divorce in which the dependants are all but forgotten about. After years of underfunding of services, there is so much work to do to remedy those services, and yet we are distracted by this intractable problem.

I hope that we can move forward and that in the next 10 years, the argument will be made very positively that being a part of the European Union, we are a stronger and better nation. Looking at my own experience, what I see on the continent is a strong social contract; I am afraid that in this country, that has much diminished in recent years. I am afraid that our neighbour across the Atlantic has a very weak social contract. My concern as we move away from the European Union and look more to the United States is that we risk moving in that direction. There are good, positive arguments to seek to rejoin the European Union.

We also need to look at Parliament and how representative it is. When I last visited Germany, the far-right group *Alternative für Deutschland* had secured 90 seats in the Bundestag. At the same time in this country, UKIP had a similar proportion of votes but secured only two seats. It makes it much easier for people to undermine Parliament if so many people feel unrepresented. How can two or three principal parties represent the complexity of experience across the land? I hope that in the next few years, we can look at ourselves and how we need to change to be more representative.

I support this deal.

12.17 pm

The Earl of Caithness (Con): My Lords, the last time that this House sat on a Saturday there was an increasing sense of unity among those who spoke. Today, the sense of unity is shattered. The language has become more extreme. Some of the earlier speeches set a bad example to the rest of the country of how we should behave. There has been no attempt by people to move, from various sides.

When we spoke on Brexit about three years ago, I said that if there is to be a break it should be like an accident: the cleaner the break, the sooner it will mend. But this break has become a series of multiple fractures which will take an even longer time to heal and will be much worse, not just for this country but for our friends across the water in the EU.

What has happened over the last three years has followed a fairly predictable course. The negotiations have been much more difficult than we were told they would be—nobody read the House of Lords report where we indicated that negotiations would be immensely complicated and take more time. Several MPs who for a lot of their lives said how good their constituents were, supported them and spoke about what they wanted, now say that they are not quite so wise after all and that their own view is preferable to their constituents'.

A deal was negotiated at the 11th hour. It is typical within the EU that things take a long time to get negotiated. But the deal that was signed in good faith on both sides was not agreed by the House of Commons on three occasions. The fact that it did not ratify that deal has demeaned it in the public's opinion. I agree with the noble and learned Lord, Lord Judge: it has done the whole of politics a deal of harm. The Prime Minister had to ask for an extension, which was duly granted. The EU said that the deal was non-negotiable, but the EU always renegotiates. It has done in the past; it will do so in the future. Despite the deal being non-negotiable, our Prime Minister has indeed negotiated a different deal. If so many noble Lords opposite say that it is worse than the May deal, they should ask Members of Parliament why they did not vote for Theresa May's deal. It was on the table. If it was going to be the deal, they should have voted for it and should not whinge about a different deal and say that it is worse.

The indecision in the other place is appalling; it has not helped at all. I hope that now, as noble Lords have said, we make a decision. I voted remain. I wish we were still in the EU, but the decision was taken that we should leave. We have a deal before us. It is time for this Parliament to act, to make a decision, and then we can get on because it is the indecision that is hurting our businesses and declining our economy. That has to be resolved. The only way it can be resolved is by accepting this deal and getting on.

12.21 pm

Lord Lipsey (Lab): My Lords, I rise in my place, but my heart is not here. My heart is with the hundreds of thousands of our fellow citizens currently marching through the streets of London in support of a further referendum. I hope I may be forgiven for injecting a

[LORD LIPSEY]

note of frivolity into this debate. There have not been many such notes so far. I am in favour of a four-way referendum: no deal, Johnson's deal, remain—and “I do not give a stuff” because I think that is what quite a lot of our fellow citizens feel. They have lost all touch with this and they do not give a stuff what the outcome is. I think they are wrong to think that, by the way, as a no-deal outcome would be a disaster, but that feeling is there in the country.

I make that point in order to make a much more serious point. Over the past couple of weeks, the streets of London have been full of demonstrators against our indifference to climate change. The demonstration went on a bit too long and some of the tactics used were wrong, but climate change is about whether the human race survives and whether our planet continues. That is a crucial issue. At a lesser level, what about social care? Thousands of our elderly citizens sit neglected while the Government dither about their social care policy. What about housing? People are paying half their income in rent. Are we sure that we really have a sense of proportion about this European issue? I have listened to all the passionate speeches that have been made but in some ways, we could do with a bit less passion and bit more reaching out one to another to try to find common ground, without party politics.

I have been in politics here for 50 years. When I started out, it was the Labour Party that was divided about Europe. On the one hand, there were the Jenkinsites making powerful speeches in favour of Europe and on the other hand, the Bennites were making their speeches against. I worked for a man some noble Lords will remember, Tony Crosland. He refused to be strung out like that. He was a pro-European in principle, but he refused to think it was the most important issue facing the nation compared with how we achieved economic growth and greater equality, how we dealt with housing and so on. I think he was right then and that his philosophy has something to teach us now.

How did the Labour Party resolve that problem? It did so by a referendum, and I would like to see another one now.

12.24 pm

Lord Bowness (Con): My Lords, I hope noble Lords will forgive me if I dwell upon the processes of today and on what has brought us here. Everything about this Brexit has been a disaster, from the dreadful referendum campaign, to Article 50 being served before we knew where we wanted to go, and to the self-strangulation of our negotiating capacity by arbitrarily decided red lines. Today's sitting has been described, at least in regard to the other place, as historic. It is historic in the sense that in what we thought was a sophisticated parliamentary democracy, we, and particularly the other place, are being asked to express a view, and in their case, decide, on one of the greatest questions which has faced our nation in our time. We are being asked to do so in circumstances where the official text was laid before Parliament only today and the unofficial documents were available only on Thursday afternoon. An email tells me that there are other documents that the Government have prepared. We do not have in the Printed Paper Office the position of the Government

on the terminability of the protocol on Northern Ireland—I will not give noble Lords the whole title—or the explanation of the new Ireland/Northern Ireland protocol and political declaration. It seems to me that to express a view on an agreement which appears to be a limited rehash of Mrs May's agreement, with no analysis of the changes and no assessment of the impact, is not the action of a sophisticated democracy and Parliament.

Other noble Lords have spoken on the detail and pointed out the shortcomings or otherwise to Mrs May's deal—an agreement, let us not forget, that the Prime Minister voted against on more than one occasion, as a result of which we have lost valuable time, particularly in respect of the transitional or implementation period. I am sorry to say that the Prime Minister, the leader of my party, has been portrayed in his supporting press as a hero conquering the forces of Europe and now taking on Parliament on behalf of the people, with no explanation whatever of his vision of the future relationship with Europe and casting principles and allies to one side as he proceeds. In fact, we have been brought to a position where the Government present Parliament with a choice between agreeing or rejecting the agreement while, notwithstanding the Benn Act, maintaining we will leave on 31 October. I have never understood the statement that I have heard in your Lordships' House and elsewhere: “We will observe the law; we will leave on 31 October”.

It is reported that the Government may withdraw the Motion in the other place if the Letwin amendment passes. Perhaps when my noble friend replies to this debate he can tell us something about the intention behind that and whether that is true. I am sorry to say that I feel that Parliament is being used and manipulated by the Executive to achieve the ends of the Prime Minister. We are being made to look foolish by a Prime Minister and his colleagues whose idea of taking back control we now see means taking back control to the Executive.

Any debate today has no time for detailed considerations of the contents and we are faced with the prospect of legislation required to implement the deal being pushed through both Houses by 31 October. I hope no one will seek to pretend that the Northern Ireland Bill or the Benn Act were precedents for doing that; they were single-issue, short Bills. We cannot proceed in that way just to satisfy the reckless ambition of the Prime Minister to leave on 31 October, do or die. Deal or no deal, we need more time to give responsible consideration. If we fail to give that consideration and do not deal with this matter in a proper way, the loss of support by the people for political institutions, as indicated by the noble and learned Lord, Lord Judge, will be justified. I hope that the other place will support the Letwin amendment and insist on an extension come what may. Let no one suggest that this is a remainder plot to thwart the referendum. It is about how we leave and whether we do so while retaining as many of the benefits of membership of the European Union as possible, or whether we cast ourselves adrift on an uncertain sea.

12.30 pm

Lord Cashman (Non-Affl): My Lords, it is a real pleasure to follow the noble Lord, Lord Bowness, and I agree wholeheartedly with his intervention.

The noble Baroness the Leader, in repeating the Statement, referred to resolving the differences and divisions, and I wholeheartedly agree, but how can there be a resolution when the demands and aspirations of over 16 million people—48%—are disregarded? They are people who, as the noble Lord, Lord Lipsey, said, are marching on our streets today because they feel unheard and left out of the negotiated deals.

Having read the additional documents published on 17 October, I have to say that my fears about human rights and fundamental rights in the United Kingdom are reinforced, and therefore I am deeply concerned about the human rights landscape that lies ahead of us. However, I will not go down that avenue, as I have been down it frequently in our other debates.

I do not know about your Lordships, but I wake up in the morning to the sound of music—and I do not mean the dulcet tones of Julie Andrews. I listen to commercial radio to remind me of what the real world is like. In certain advertisements about the preparations for leaving the European Union, I am informed that I must prepare for the new restrictions when travelling to, trading with or driving within the European Union. Those are just three examples. Can the Minister tell me where in the arguments that were made for leaving the European Union the British public were told that they would face more restrictions, more red tape and fewer freedoms? I could give other examples of freedoms that citizens will lose: the right to study in and the right to freedom of movement through 27 other countries, and there are many more. Nowhere were the British people told what they would lose; only what they might gain.

In order to move on, as other noble Lords have urged, I say to the Government and to the supporters of their withdrawal Act that, if they believe that this deal is so brilliant and that it is what the British people demanded in 2016 by voting in the referendum by a very narrow majority, then have the guts and integrity to put it to the British public in a confirmatory referendum. They should ask the British public whether they accept this deal, these conditions and all the consequences that will follow. But no; the Government will fight shy of holding the British public accountable—yes, accountable—in this long drawn-out saga. They will utter the phrase “the will of the people”, ignoring that the will of the people can and does change. I do not often quote Lady Thatcher but, to use her word, the Government are “frit”.

In conclusion, during these three years of pantomime politics, aided and abetted by the leadership of the Labour Party in the other place—a party that I have left after 45 years of membership—it has been said that we are being led by donkeys. That is the wrong analogy. Donkeys would have got us somewhere. We are not being led by donkeys; donkeys would have done better. Therefore, it is time to put this deal—if it is the best that the Government can do—back to the British people.

12.34 pm

Baroness Pidding (Con): My Lords, I rise to speak today to give my fulsome support to our Prime Minister and the deal that he has secured for the United Kingdom's departure from the European Union.

Back in January 2018, I said in this Chamber that, regardless of which side we supported in the referendum, “we all recognise that our departure from the European Union will be one of the biggest challenges faced by any British Government in modern times”,—[*Official Report*, 30/1/18; col. 1516]

and so it has proved to be. The ongoing debate following the result of the 2016 referendum has sucked the oxygen out of our political discourse. It has been bruising and debilitating both in Westminster and throughout the country.

I believe that the health of our democracy depends on implementing the referendum result, and the health of our economy depends on us proving that we can make a success of the opportunities that Brexit offers us. I am also mindful of the fact that 48% of the country voted to remain. The referendum exposed a country divided, and the deliberations of the past three years have exacerbated this running sore. I hope that today is the day that we can begin to mend the wounds by moving forward.

Our Prime Minister has, against the odds and despite a backdrop of much negative political commentary, successfully brought forward a deal that I believe Parliament must support. It is a deal that fulfils the democratic result of the 2016 referendum and will allow us to take advantage of a new relationship both with our friends in the EU and throughout the wider world. It is a deal that contains much of what over the past weeks and months and, dare I say, even the last three years, many of our politicians have been asking for. It is a deal that I believe can fulfil the ambitions of people on both sides of the Brexit debate.

So today is the day when we see whether our colleagues in the other place, who have spoken of the hopes for a deal, will be true to their word and will back this deal. I urge them to do so. I recall the fewer than a dozen words, with unambiguous meaning, that were written on the Government's leaflet and delivered to all homes prior to the referendum in 2016:

“We will honour the result of the referendum, whatever the outcome”.

To not do so would be seriously damaging to the relationship between Parliament and the electorate.

Today, I was meant to be at the races, celebrating the imminent retirement of my partner Tim. On the rare occasions when I go to the races, I have little luck in backing the winner. Today, I hope that I am backing the winner—this deal. I hope, too, that our colleagues in the other place will back the new deal that has been secured. Now is the time to move on and bring to an end the uncertainty and division. It is time to unite the country and to get back to the domestic issues that matter to people up and down the land. This debate is corroding the electorate's faith in us as politicians. We have a deal, and it is a good deal. Let us get Brexit done.

12.37 pm

Lord Liddle (Lab): My Lords, the deal on offer before us today is the very hardest of Brexits without actually being a no-deal Brexit. I want to follow up on the points made by my noble friends that this would be a disaster for manufacturing, for jobs in our country, for the region that I come from in the north, and indeed

[LORD LIDDLE]

for the town that I represent on Cumbria County Council, which has a factory employing 950 people, with 60% of its product exported to the single market.

I would like the noble Lord, Lord Callanan, to confirm in his summing up that this is a much harder Brexit than anything that Mrs May proposed as Prime Minister. I draw his attention to pages 5 and 6 of the political declaration and ask him to compare them with the political declaration of Mrs May. Let us deal in the facts.

First, in Mrs May's political declaration it was said that we wanted an ambitious trading relationship "as close as possible" to the EU. That has gone. Secondly, it was said that we wanted as much alignment as possible. Instead, in paragraph 22 is the fact that we are not going to have alignment. Therefore, there is a new reference to,

"appropriate and modern accompanying rules of origin"—

necessary checks at the border that would not have been necessary if that alignment had been in place. Thirdly, the May deal had an objective of frictionless trade. Will the Minister confirm that that is no longer the Government's objective? That is clear from paragraph 26 of the political declaration, which says that,

"customs and regulatory cooperation would be taken into account in the application of related checks and controls".

In other words, checks and controls are a certainty at the border in this agreement, whereas they were not under Mrs May's objectives.

Noble Lords have spoken about the importance of certainty; the noble Baroness, Lady Harding, and the noble Lord, Lord Howard, who is not in his place now, made very good speeches on certainty. However, the certainty that is proposed in this type of economic arrangement is a drying up of foreign inward investment in manufacturing in Britain. That has very serious consequences for our people—consequences that cannot lightly be brushed aside.

The other certainty is the loss of competitiveness that this agreement will bring for British industry. Whatever the Government's preferences—I do not believe that all Conservatives are evil and want to lower workers' standards, destroy environmental standards and all the rest of it—if we lose competitive strength in the way that the deal intends, they will find that they are driven to lower taxes on business, and that will mean less money for the health service and for one-nation policies. We will be driven to have lower standards than the European Union, because that is the only way we will be able to compete. I think that is a disaster.

The Prime Minister tells us that this is the greatest ever restoration of national sovereignty. Actually, the referendum promise was to "take back control", but control in the modern world is something very different from sovereignty. Brexit gives us no control over how we, as 3% of the world economy, are going to negotiate preferential trade deals with other parts of the world, or how we are going to face up to the big challenges of climate change, migration, development and security on our own. To have control, we need to remain part of an organisation such as the European Union, and that is why this proposed deal has to go to a referendum as the only way forward.

12.43 pm

Baroness Smith of Newnham (LD): My Lords, it is normally courteous to thank the Leader of the House for repeating Statements from the Prime Minister. However, on this occasion, I rather wish she had not. The Prime Minister articulated a view, reiterated by the noble Baroness, Lady Pidding, that he hopes that the two halves of our country—the 52% and the 48%—can now speak with one voice. I made a similar comment in July 2016, straight after the referendum.

I am a democrat and was willing to respect the result of the referendum. It is a matter of record that I did not vote against triggering Article 50. During the referendum, like the Government, I was very clear and said time and again that a vote to leave meant that we would leave. However, the fact that I believe in democracy does not necessarily mean that I have changed my mind, any more than any of my fellow Liberal Democrats have done, about the importance and value of membership of the European Union. That the Prime Minister could stand in the House of Commons this morning and say, "I have not heard anybody over the last three and a half years make a case about Brexit other than in practical terms" is deeply disingenuous. The fact that people have been arguing on the basis of the situation we are in does not mean that we have changed our minds. I have not rehearsed the pre-referendum arguments over the course of the last three and a half years, because we had already had that debate. That does not mean that I do not think that membership of the European Union is by far the best thing that this country can aspire to.

I am a democrat and was willing to accept the outcome of the referendum. However, over the course of the last three and a half years, it has become clear that it is not possible for this Prime Minister or his predecessor to find a deal that is acceptable to the whole of the United Kingdom. We have heard exhortations today to support this new wonder-deal that our new Prime Minister Boris Johnson has found. It is an inferior deal to the one that Theresa May saw rejected three times. I spoke in a debate on that deal in December last year; I did not feel a need to speak subsequently, because we kept being asked about exactly the same deal.

It is common for members of other parties to criticise the Liberal Democrats for supporting or backing up the Conservatives and their worst excesses during the coalition. In practice, in many cases, the Liberal Democrats stopped the worst excesses. However, people did not see that, because when a decision is stopped, it is not seen in public. It never occurred to me that I would end up having to support in some way Arlene Foster. When Theresa May said she had a deal with the old withdrawal agreement, Mrs Foster stopped her at that stage and changes were made, so that the deal that came forward was one that at least the DUP felt was acceptable for Northern Ireland. As a Catholic of Irish heritage, it pains me somewhat to end up on the same page as the DUP.

Like so many Members of your Lordships' House, I am deeply concerned that the deal that is now being put forward presages the break-up of the United Kingdom. The *Sun* newspaper has a headline today

that says, “It’s time to do right by Britain”. That says it all. It does not say that it is time to do right by “the United Kingdom”, and that highlights one of the real divisions. This country is a United Kingdom of four constituent parts. The deal separates off one part of our United Kingdom. Time and again, Theresa May talked about the importance of “our precious union”. The deal that Boris Johnson has come back with drives a coach and horses through that and paves the way for the SNP rightly to suggest that if Northern Ireland can have a different deal, why not Scotland? As MPs prepare to vote, they must think about the national interest of the United Kingdom. This agreement is not in the national interest.

12.48 pm

Baroness Noakes (Con): My Lords, the debate in your Lordships’ House today is a mere sideshow to the real action that is taking place in another place. The other place has a huge decision to make today, and I fervently hope that it will give its approval to the Prime Minister’s deal to take us out of the EU.

If the other place does not do that, the MPs who go through the Not-Content Lobby will be the only ones to blame if we leave the EU without a deal on 31 October. The Prime Minister could not have worked harder to achieve the deal before Parliament today. The doubters should have taken him at his word when he said that he wanted a deal and did not want to leave without one.

Failure today will likely lead to no deal. There is no other deal waiting in the wings. No one can be certain what the EU will do if faced with the rejection of this deal, but there is more than a sporting chance that it will refuse a further extension. It is as fed up with this long-running saga as are the British public.

While I loathed the deal that the former Prime Minister negotiated with the EU, if I had had the privilege of voting in the other place I would have voted for it at the third time of asking in order to honour the result of the referendum—which I remind the House was the largest-ever expression of the will of the people of the UK. But the other place did not do that.

Since then, we have had the energy and determination brought to the task of leaving the EU by our new Prime Minister. I place on record my admiration for the way he has tackled it. He has had a hugely difficult hand to play against the background of both Houses of Parliament determined to thwart him. He had his biggest negotiating card taken away from him by attempts to remove no deal from the negotiating table.

The Prime Minister did not play his hand perfectly. We could have done without the Prorogation mess—although that did show that Parliament had no useful purpose in the extra weeks that the Supreme Court forced us to sit. But we should judge him not by the individual steps along the way but by the end result. The Prime Minister has achieved what practically everybody outside our party—and a fair few within it—said he could not achieve. They said that the EU would not reopen the withdrawal agreement, that the backstop could not be changed, and that the political declaration on the future relationship could not be changed. The Prime Minister proved them wrong on every count.

The new deal remains based on Mrs May’s deal and is far from perfect—but I accept the realities of compromise. Indeed, I am thrilled by the prospect that this deal could see us leave the EU in two weeks’ time. We will then be on a path to a free trade agreement with our neighbours in continental Europe and the prospect of our own trade deals with the rest of the world.

Those who seek an extension, for whatever stated purpose, I invite to look at the recent polling. The huge ComRes survey this week found that 54% of the public just want us to get on and leave. Yesterday’s YouGov survey showed 41% in favour of the deal and only 24% against it.

I hope that the other place today will show wisdom and pragmatism. I hope that this precious opportunity to deliver the result of the referendum and achieve Brexit on the basis of a good enough deal will not be squandered. It will take courage for some Members of the other place to vote with the Prime Minister, but I pray that they will find that courage.

12.52 pm

Lord Birt (CB): My Lords, I am as nervous as I ever have been about the consequences of Brexit for our economy and our union. If there is a pathway to a further referendum, I will take it. But, if there is to be a choice between this deal and no deal—and I am fearful that that now is the choice—I will choose this deal, for it satisfies the key demands of those who, unlike me, voted to leave: ending freedom of movement, reclaiming the right to forge bespoke trade deals around the world and eliminating the jurisdiction of the ECJ.

More positively, the political declaration offers, in notably generous language, the prospect of a speedily negotiated deal with our closest neighbours and the world’s most powerful economic bloc, with the prospect of an agreement in place in a little over 12 months’ time. The scope of that potential deal set out in the political declaration is wide. It offers the prospect of: free trade, with no tariffs or quotas; regulatory equivalence for the City; free movement of capital; data transfer; air connectivity; a continuing interconnection of power supply; mutuality in public procurement; co-operation on nuclear; a partnership on security and cybersecurity, and on crime, defence and intelligence. Someone once quipped that the British were only ever half in Europe. In future, we may in practice be only half out. That is my hope.

The backstop in the previous deal raised justifiable constitutional concerns. This deal delivers no hard border in Ireland and allows Northern Ireland to participate in both the UK and the EU customs unions—welcome news indeed for Northern Ireland’s unsettled business community. Checking goods in transit from the UK mainland to the Republic via Northern Ireland seems an insignificant price to pay for such an arrangement. If Northern Ireland does not want to pay that price, it can, by a majority unavoidably now involving both communities, withdraw its consent—although I cannot conceive why it ever should.

The objection that this deal will reduce labour and other standards appears to me to be weak. The political declaration is emphatic about the UK signing up to a

[LORD BIRT]

level playing field of standards, and of not seeking unfair trading advantage. Moreover, future Governments of whatever party will be free to legislate on these matters, if and when they choose.

I would far rather remain in the European Union; that is the best deal of all. However, if we are to leave, embracing this deal offers at least the prospect of a fruitful and healthy future relationship with our closest neighbours. Rejecting the deal risks damaging that relationship even further, and risks a further descent into ever more torrid political chaos, with incalculable consequences.

I agree with the noble and learned Lord, Lord Judge. It is now time to decide. It is now time to jump.

12.56 pm

Lord Mancroft (Con): My Lords, the last three and a half years have been the most divisive, frustrating and unpleasant I have known in over 30 years' membership of your Lordships' House. However, as most speakers will recognise, we have an opportunity today to put that behind us and take an important step forward. We can leave either with or without a deal. As the noble Lord, Lord Birt, said, today's debate enables us to leave with a deal. I realise that a significant majority of your Lordships, like the noble Lord, would prefer not to be leaving the EU at all, but the mandate of the 2016 referendum, supported by the two main parties at the last election, is to leave, like it or not.

As my noble friend Lady Noakes said, we have heard repeatedly that the withdrawal agreement could not be reopened, but it has been. We were told that the backstop could not be dispensed with, but it has gone. We were assured that the Irish would not deal directly with the Prime Minister; not only has the Taoiseach negotiated directly with the Prime Minister, but it was his intervention that unlocked this deal.

In my experience, it is very difficult to do a deal unless there are two willing parties, with a degree of good will on both sides. I have observed the past three years of negotiations only through the prism of the media and through your Lordships' House, neither of which is without bias, as your Lordships may have noticed. While there has been deplorable weakness and naivety in the Government's negotiating positions and tactics over the past three years, it is difficult to conclude that there was much good will on the other side. Whether a deal was ever possible in those circumstances is doubtful, but the conduct of those who have consistently sought to undermine the Government's position and have, even in the past few days and weeks, effectively conspired with a foreign power against our national interest, is quite unprecedented. In these circumstances, to have successfully negotiated a deal, as the Prime Minister has, is an extraordinary achievement. To reject today's Motion, and thus effectively support our leaving the EU without a deal, which this House has strongly opposed, would be bizarre, to say the least.

Mrs May's deal was unacceptable to the House of Commons because of the backstop, which could have prevented the UK leaving the EU at all. It has now been removed, which means that, whatever else, this deal ultimately will deliver a complete end to the UK's membership of the EU. By removing the backstop

and replacing it with a virtual customs border between Ireland and the rest of the UK, this deal presents some very real problems for the DUP. I understand that. While I am a passionate supporter of the union, I do not pretend to understand all the intricacies of the politics of Ireland. However, I am more than aware of the sensitivities. At the same time, I marvel at the progress made since the Good Friday agreement and deplore anything that puts it at risk. I also recognise points of principle as much as anyone else does, but I struggle to see a system of tariffs and rebates as a genuinely significant constitutional barrier for most people—for politicians perhaps, but not most people. I understand, too, the concerns about the potential democratic deficit, if that is the right way to put it, in approving this system of tariffs, but I do not see that as so much of a problem that it cannot be resolved—not by some diktat within a treaty, perhaps, but by the same good will that brought about the Good Friday agreement itself. To have climbed that huge mountain yet now to trip over this small step seems too cruel. I hope beyond hope that my DUP friends will see their way through this dilemma.

I am what is now called a Brexiteer. Like most people, I struggled to decide how to vote but in the end my heart ruled my head. If I had any doubts about how to vote, and I did, they have been dispelled by the behaviour of the European Commission over the past three years and the conduct of the Remainer campaign, which has been dishonourable and demonstrably against the national interest. I am not in favour of a hard Brexit, nor a soft Brexit, because I am not entirely sure what those terms mean. I am in favour of a sensible, reasonable Brexit, detaching us from the EU completely and regaining the freedom to make our own political and economic decisions while maintaining a strong friendship with our European neighbours, with whom we share so much and with whom I look forward to sharing a peaceful and prosperous future. I do not think that is too much to ask.

My father, who sat in this House for almost 50 years and served in four Governments, taught me that politics was about not just the way you think about your country, but the way you feel about your country. He impressed on me the importance of learning to assess the mood of this House and the mood of the people. The mood of this House today is still split, but not, I think, the mood of the people. I look at the polls and I read the press. I listen to the people I meet—from all walks of life, not just my own circle of family and friends. My assessment of the mood is that, overwhelmingly, people are sick to death of the protracted mess that Parliament has made of this. But the mess is not Brexit: it is Parliament's unwillingness to implement Brexit that angers people.

My noble friend Lord Heseltine, who is not in his place, told your Lordships in an earlier debate that his Brexiteer friends were now all remainers.

Baroness Bloomfield of Hinton Waldrist (Con): May I remind my noble friend of the speaking limit?

Lord Mancroft: I am most grateful. We all know that the present situation is damaging our economy; I know that from my personal experience. But it is not

Brexit that is damaging our economy; we have not had Brexit or even the prospect of it. It is the political paralysis that exists in this House and another place, caused by those who seem willing to do anything to prevent it. We can break that deadlock today.

1.03 pm

Lord Foulkes of Cumnock (Lab Co-op): My Lords, there have been a lot of mentions today of the last time Parliament met on a Saturday. On that occasion, I had the great privilege of participating in the debate in the other place, and a really dramatic debate it was. I am not the only speaker today, however, who spoke in it. The other is our parliamentary national treasure, the noble Lord, Lord Cormack, whose speech I look forward to later—although my noble friend Lord Rooker intervened from a sedentary position. Nothing changes. The late Lord Carrington, who led the debate, is very sadly no longer able to be with us but neither is the honourable tradition of ministerial resignation, which he showed on the Falklands, although he had no personal responsibility or fault then.

Today we have two questions: how did we get into this mess and how do we get out of it? David Cameron is the prime culprit—for trying to solve the chronic Tory division on Europe not by trying to reform the European Union to make it more acceptable to us, but by this referendum. He then ran a feeble campaign—nearly as feeble as my own leader's. The skulduggery of the leavers, who were more astonished by their victory than the rest of us, was part of the reason we are in this mess now. Theresa May missed every opportunity to get out of it and now we have this cliffhanger down the Corridor.

I cannot fault the PM for his determination, his sleight of hand or his back-slapping—it makes a change from back-stabbing—but I can fault him for his duplicity, as other noble Lords have said: that is how he achieved this deal. I understand the Liberal Democrats wishing to grab the opportunity of leading the remain campaign. We are not going to let them, by the way; we are equally part of it. I understand the SNP's desperation to get an election before they are faced with the trial of the century, which will be fascinating. However, I am astonished by any Labour MP supporting Johnson's deal. First, so-called Labour leave constituencies are mirages. It was the Tories and the Brexit voters in those constituencies who voted to leave. Most Labour voters voted to remain, and now they will be tempted to go to the Liberal Democrats or the Greens. What a false thing the Labour MPs in those constituencies are doing.

Secondly, as the right reverend Prelate the Bishop of Leeds rightly said, MPs are not delegates. They have a duty to lead, not to follow—to convert and convince their electorate. I did it as an MP, as did my noble friend Lord Reid and others. We convinced them on capital punishment, on abortion, on devolution and, indeed, on Europe. The Labour Party used to be against it; we convinced them to be in favour of it. As my noble friend Lord Rooker said, Europe is a beacon on food safety, workers' rights, consumer protection and environmental protection. That is why we should be staying in Europe. Any assurances that Labour MPs get from this Prime Minister are totally worthless.

He is, we know, an inveterate liar, and the sooner people recognise that, the better. Mark my words: if one Labour MP helps Boris Johnson to get a majority of one, he or she will rue this day. I hope there is not; I hope the agreement will be defeated. Like so many on this side of the Chamber—and, indeed, some on the other—I hope we will go back to the people and, now that we know the reality of Brexit, give them the opportunity to decide the way forward once again.

1.07 pm

Lord Shinkwin (Con): My Lords, today is an historic day—as we have already heard—for many reasons but perhaps for one in particular. The noble and learned Lord, Lord Judge, spoke of the importance of respect. Today, we can show the British people that we actually respect them; that we respect the result of the once-in-a-generation people's vote; and that we respect their desire to get Brexit done.

Of course, I appreciate that there will be many opportunities to debate Brexit in the months and years ahead, but today at least can mark the end of the beginning. The process of returning to this United Kingdom accountability for decisions affecting the minutiae of people's everyday lives can now begin. We are privileged to serve the people in this the mother of Parliaments. Because of this deal, I believe, democracy is at last coming home.

So today is surely not the time to be demanding neverendums. Today is surely a day for taking pride in Great Britain, pride in its people and pride in its Prime Minister for doing, after all, what we demanded he do: secure what Jean-Claude Juncker himself described as a "fair and balanced agreement". This deal, as so many Members of your Lordships' House have argued, deserves support. It is time to respect the people's vote of 2016 and get Brexit done.

1.10 pm

Baroness Morris of Bolton (Con): My Lords, when we first debated the European Union (Notification of Withdrawal) Bill—the famous Article 50—on 21 February 2017 and, almost a year later, the European Union (Withdrawal) Bill, little did I imagine that, as we approached the end of 2019, we would still be in the European Union. I said then that it would not be easy, much to the amusement of the Liberal Democrats, but how could we have made it so hard?

The British people were asked a clear question in the 2016 referendum, and they gave a decisive answer. Although I voted remain, I respect that answer. Over the intervening three years, I have watched with increasing despair as we have failed to deliver the promise, made so emphatically by the Liberal Democrats, Labour and the Conservative Party, to uphold the decision of the referendum.

In 1992, had the astute voters of Oldham Central and Royton not rejected me in the general election in favour of my good friend the noble Lord, Lord Davies of Oldham, and had I been given the honour of serving in another place, like my noble friend Lady Noakes, I, too, would have voted for the withdrawal agreement negotiated by my right honourable friend Theresa May. I did not like parts of it; I was particularly uneasy with

[BARONESS MORRIS OF BOLTON]

the backstop and its potential to keep us in the customs union, effectively keeping us in the EU with no voice and no vote. But we would have been out earlier this year, completing the first stage of the process, and would now be some six months down the line in our free trade negotiations with the European Union.

The EU was always crystal clear: we could not discuss in detail our future trading arrangements, such as open and fair competition and standards, nor our future collaborative relationships, until we had left. Yet so much of what we have been discussing these past two years is about the next stage. We just have to get there, to make that decision of which my noble friend Lady Harding of Winscombe so eloquently spoke.

I agree with the powerful speech of the noble and learned Lord, Lord Judge. I, too, acknowledge the sincere and passionate views of those who think differently to me. If we were just having a debate with no consequences, that would be fine. But our actions do have consequences, and I can understand, and indeed have sympathy with, the mounting exasperation and anger among the electorate at the parliamentary manoeuvrings that have prolonged and frustrated the delivery of the referendum result. My noble friend Lord Howard is so right to point to the damage that the delay and uncertainty is causing.

Now, on this historic Saturday—and it is historic—Parliament has before it another chance with a revised withdrawal agreement, which those with superior knowledge said would be impossible to obtain. It removes the backstop and, in the words of one of the architects of the Good Friday agreement, my noble friend Lord Trimble, it is,

“fully in accordance with the spirit of the Good Friday Agreement”.

But, most importantly of all, it fulfils our promise to the British people, which is long overdue.

1.14 pm

Lord Kerslake (CB): My Lords, when the Prime Minister made his “do or die” statement during the Conservative leadership campaign, I felt strongly, and said at the time, that he had boxed himself in. He is now seeking to release himself from that box by agreeing to something that both he and his predecessor, Theresa May, said no British Government could or should ever contemplate: putting a border in the Irish Sea.

Politics is often described as the art of the possible. For this Prime Minister, it is the art of the expedient. For all the bluster and tough talking by the new Government, much of the withdrawal agreement and political declaration negotiated by Theresa May remains unchanged. In so far as it has changed, it has been materially for the worse. Those who say that it opens up the prospect of a harder Brexit, greater regulatory divergence and a race to the bottom on workers’ protections are right. We have seen assurances from the Government today on that, but why were those things taken out of the agreement in the first place?

There is a connection between this and the economic impact. We do not have the Treasury’s economic assessment, as others have observed, but we have the economic modelling of the independent think tank UK in a Changing Europe, which says that this deal

will be significantly more economically damaging in the long term than the May deal. This economic damage will be even greater if we have the equivalent of a no-deal Brexit in December 2020, as some of the hard-line Brexiteers are secretly hoping for. Whatever short-term boost there is to the economy from reaching a deal will quickly evaporate as trade barriers start to be erected. Here is the connection, as the noble Lord, Lord Liddle, pointed out: to respond to that economic challenge, workers’ rights and conditions will be under threat.

The Johnson deal materially adds to the risk of the United Kingdom breaking up. Much has rightly been said about Northern Ireland, but if this deal goes through, a second referendum on independence in Scotland would be almost impossible to resist and would have a much stronger prospect of succeeding. Like John Major, I find it genuinely surprising that some of the most passionate supporters of the union are willing to put that at risk for this deal.

In short, I did not much like the May deal and I like this one even less. The only reason this deal is being given house room at the moment is Brexit fatigue. I doubt that there is anyone in this room who is not heartily sick of Brexit. Indeed, Sky News now runs a separate news channel where the B-word is not used. It is also right to say that Brexit has crowded out many vital issues facing this country and damaged trust in our democracy. However, as so many others have said, agreeing this deal now does not end the uncertainty of Brexit. The Brexit nightmare will continue for years to come. It will be like the film “Groundhog Day”, but without the laughs. We will still wake up to the latest Brexit news on our radios; the only thing that will have changed is that John Humphrys has now retired.

It is now three years and four months since the EU referendum. The terms of our departure now proposed are almost unrecognisable from those that were promised at the time of the referendum. It may be that, despite all this—despite the fact that the benefits are so much smaller and the costs so much higher—the public still feel that leaving the EU is worth while. However, given the extent of that change and the deep divisions we have in Parliament, we should let the British people make that choice. If I were not in this Chamber today, I would be on the People’s Vote march.

1.19 pm

Lord Haskel (Lab): My Lords, I did not recognise the picture painted by the Leader of the House in her opening words. Our membership of the EU has made us better off, it has been flexible and it has kept the peace. Yet many noble Lords tempt us to end the uncertainty by accepting this deal. That is wrong because of the damage that this deal will do both socially and economically.

Yes, ending uncertainty may produce a temporary pick-up but, as others have told us, in the medium and long term, we will be worse off; the noble Lord, Lord Kerslake, explained that it will be somewhere between the 5.5% loss of GDP under the May agreement and the 8.7% loss of GDP under WTO no-deal arrangements. That is obviously why the Treasury has been so silent. Is it worth the impact on our standard

of living, at a cost far greater than our net contribution to the EU, for which we get something in return? Still to come, as many noble Lords have said, is the long and complex negotiation of future trade agreements, negotiations in a world of increasing trade conflict, less growth and increasing doubts about fair dealing.

The political declaration sees us leaving the customs union. That is a key requirement of business, and of the unions. Yes, there is some temporary alignment for manufacturing, but there is silence on services. All this is bound to worsen the fiscal framework for the promised spending on the NHS, education, infrastructure and the green economy. What about the loss of inward investment? Nobody voted for this.

Above all, there is the danger to the union. We must repair the strained relationship between us and the devolved Governments. All were opposed to leaving the EU, and somehow they must have a say. We know that this agreement is a damaging act of self-harm. Is this what the people want for their children and their grandchildren? Thousands of people are demonstrating outside—including my wife—saying that this is not their vision. It would be irresponsible and reckless to agree this with a sigh of relief just to get it over. I see no alternative to putting this to a public vote with, for the sake of the union, the alternative being to remain.

1.23 pm

Lord Lansley (Con): My Lords, I draw attention to my interests as recorded in the register. Later today, when we have finished here, some noble Lords may go home and watch “Strictly Come Dancing”. Those who are familiar with ballroom dancing will know what step it is when you take one step forward, two steps sideways and two steps back. That is what we are presented with. The step forward is that under the new backstop arrangement relating to Northern Ireland, there is an exit clause. The noble Lord, Lord Hannay, asked, “What is the difference and why are some of my Conservative colleagues voting for this deal when previously they opposed Theresa May’s deal?” At the heart of that is that the backstop, as previously proposed, had no way out, once one was in it, without EU consent. So that is a step forward. The step sideways is that this backstop relates only to Northern Ireland, not to the United Kingdom. I shall come back to the consequences of that.

Of the two steps back, the first seems to be the distance that will be created between Great Britain and Northern Ireland, and the potential for regulatory divergence. The second is the extent to which we will potentially leave without continuing institutional relationships such as a customs union or the single market. We are moving further away from what many voters in Scotland thought they were voting for and the risks to the union have been exacerbated, as has been mentioned several times in the debate. So those are steps backwards.

Another step back is that, not least as a consequence of focusing only on Northern Ireland and the backstop, we have removed what was previously, in effect, the benchmark for looking at the future relationship between ourselves and the European Union. I am staggered that, three years down the line, we know less about what that future relationship will look like than we did

two years ago. How have we arrived at that point? Article 50 itself says that the withdrawal agreement should be negotiated in combination with the future relationship. It was a central failure of the Article 50 process that the European Union institutions were allowed to separate the withdrawal agreement from the future relationship.

My main point today is that we have an opportunity, in the days ahead—or, if not in the days ahead, in the weeks ahead—quite literally to put clearly on the statute book Parliament’s view about what the future relationship should look like. Indeed, in an hour or so, those at the other end of the building may determine that the withdrawal Act should specify more of that and enable the decision on the withdrawal agreement to be made in the light of what the future relationship should look like. I do not need to go through the whole list of the aspects of that that are important, but, for example, when the noble Lord, Lord Newby, talked about the risks to the automotive industry, I sat there thinking, “There won’t be tariffs. We can be pretty sure that we could arrive at a free trade agreement with zero tariffs or quotas on cars between ourselves and the European Union”.

However, what really matters are rules of origin. What really matters is that we get a free trade agreement that allows a cumulation of rules of origin such that there is a supply chain for Nissan in the United Kingdom in which UK content can be treated as EU content, and vice versa. That was part of Theresa May’s deal, but it has disappeared. Because the backstop will no longer apply under any circumstances in Great Britain, we will no longer have that benchmark and the political declaration no longer says that we should build on it for the future. So there is a risk that there would be no obstacle to leaving other than on WTO terms. In the days ahead, we must ensure that, under the withdrawal Act, we are very clear about the many objectives that should form part of the mandate for those future negotiations.

1.27 pm

Viscount Chandos (Lab): What can your Lordships’ House most usefully do today? Eschewing Gilbert and Sullivan, I suggest as context a sporting analogy that may appeal to the Speaker of the House of Commons. We are like a tournament match of tennis veterans and amateurs taking place at the same time as a Grand Slam final in the other place. The eyes and ears of the world will, quite properly, be on the other place.

First, I suggest that we reiterate our respect for the collective and individual integrity of MPs in extraordinarily testing circumstances. Earlier in the month, I argued that, in contrast to the intemperate attacks of the Prime Minister and other senior government Ministers, Parliament has been doing its job—and doing it well. On Monday this week, Robert Shrimmsley of the *Financial Times* wrote, far more eloquently, in respect of MPs of all parties and persuasions, that, “this has also been a magnificent parliament, shaped by MPs—backbenchers especially—of political stature and personal courage ... many will look back and regard the actions of individual MPs in this parliament as little short of heroic”.

Whatever votes are called this afternoon and/or next week and whatever the results, I believe that Mr Shrimmsley’s judgment will still apply. I ask the Minister again

[VISCOUNT CHANDOS]

to ask the Prime Minister and his colleagues to refrain from any further denigration of Parliament and parliamentarians.

I hope that, whatever pressure is applied, Sir Oliver Letwin will not withdraw his amendment and that it will be passed. It will serve two important purposes, as long as the EU is willing to respond positively to a request for an extension. First, if the withdrawal Bill is introduced and passed at Second Reading, adequate time should be given for its scrutiny and for potential non-wrecking amendments by both Houses. Secondly, it should prevent a no-deal Brexit arising from a breakdown, whether accidental or intentional, in that legislative process. I, like my noble friend Lady Smith of Basildon, have come to believe that, under either of those scenarios, a confirmatory vote is now the best way of achieving resolution and closure.

What of the new deal itself? I strongly endorse the analysis of my noble friend Lord Reid and many other noble Lords of the economic, security and constitutional deficiencies of the deal. It is, though, a moving target, as the Prime Minister has been throwing bones to MPs across the House in his attempt to secure a majority, so it is difficult to know exactly where we stand. As my right honourable friend Pat McFadden MP asked the Prime Minister earlier today, “He tells Brexiteers that he backs deregulation. He tells Labour MPs that he backs stronger workers’ rights. Which is it?”. Perhaps the Minister can give us a clearer answer than the Prime Minister gave Mr McFadden. Whatever his answer, though, it is inescapable that this is a bad deal.

I turn finally to Northern Ireland. The uncompromising style of the DUP and its past lack of support for the Good Friday agreement do not naturally engender sympathy; its objections should cause widespread concern, with the peace process still fragile. The Prime Minister’s willingness to renege on past commitments, both generally and to the DUP, is of course a warning to all whose trust he is seeking. In today’s *Times* there is a letter from a former Conservative district councillor. He writes:

“The threat to the Good Friday Agreement is more apparent than real ... The implicit threat of bloodshed can safely be ignored”.

There have been persistent hints of these horrifying and complacent views among some Brexiteers since before the 2016 referendum. I hope the Minister will take the opportunity today to make it absolutely clear that protecting the peace process in Ireland is paramount government policy.

1.33 pm

Baroness Bennett of Manor Castle (GP): My Lords, it is my pleasure to follow the noble Viscount, Lord Chandos, and I admire his work for the Esmée Fairbairn Foundation. Having just checked the Brexit timer, I see that it is now 12 days, 10 hours and 27 minutes until we will still remain at risk of a crash-out Brexit. I want to begin by acknowledging the suffering that this is causing millions of people: EU 27 citizens living here in the UK; UK citizens living in other parts of the EU; and small businesspeople who are being scolded by the Government for not preparing for Brexit when they do not have the time, the money or the energy to face these continually

shifting scenarios. We should acknowledge the damage being done by the Brexit chaos as well as the individual suffering.

However, that is not an argument for voting for Boris Johnson’s deal. The fact is that the best possible deal we can have is the deal we have now—remaining in the EU. That is particularly true for those EU 27 citizens along with their friends, neighbours and colleagues, because otherwise they will face Theresa May’s legacy, that of a hostile environment in the Home Office. It is something that we really need to face up to once we have cleared this Brexit chaos.

As a new Member, perhaps it is appropriate for me, in my brief time, to reflect on what some Members have already said in this debate and—as you may see me doing often in future—go a little or a lot further. The noble Lord, Lord Cashman, said young people would suffer from the loss of freedom of movement. I really want to highlight that fact, because I believe young people should not have fewer freedoms and opportunities than their parents and grandparents had. They should be able to go anywhere in our own country and 27 other EU countries to live, love, work and study—to move freely. That is something we must not take away from our young people. We know that they overwhelmingly do not want Brexit to happen.

The right reverend Prelate the Bishop of Leeds, my almost neighbour in Sheffield, said that we are just on the starting blocks of Brexit. This is a crucial point that has been utterly undermined, and one I will come back to.

I also pick up on the crucial point made by the noble and learned Lord, Lord Judge, about what has happened in the last 1,200 days and how confidence in our constitution has been shattered. He focused on the negative risks there—the fact that this could open the path to authoritarianism. I want to be the voice of optimism, as I often will be, so in focusing on this I say that it could be the path to making the UK a democracy as it now is not. The people who voted leave had a strong point when they said they wanted to take back control. People whose votes do not count in safe seats up and down the land, and people who live in local authority areas continually overruled again and again by the overpowerful Westminster, are not in control of their own lives. Let us make this a path to democracy, looking at the great work of Make Votes Matter, the Electoral Reform Society and others.

The noble Lord, Lord Reid, referred to the power of multinational companies in the modern world. We can look at the power of one of those, the website Amazon. If we are to make Amazon and companies like it pay their taxes and pay their workers fairly, we need to be united as part of the peoples of Europe, together standing up to those multinational companies and creating a different kind of economy.

I conclude where I started with the Brexit chaos and the Brexit fatigue, which I dare suggest affects nearly every Briton. “Can we just stop talking about Brexit?”, is a sentiment that I am sure many in your Lordships’ House share. Well, yes, we can—but not by allowing Boris Johnson’s deal through. The only way to stop talking about Brexit is to stop Brexit, otherwise we face years of trying to negotiate our new relationship

with our neighbours and the rest of the world. That is not something I believe the country or your Lordships' House want to do.

1.38 pm

Lord James of Blackheath (Con): My Lords, I start from the point of view that I support the deal as offered and would vote for it in any straightforward circumstances, but I come today with two questions that I still have and want answers to. I know I will not get those answers here today, but I will use my time just to ask the questions to get them on the record.

The first derives from memories of my Scottish history master, who used to come to class wearing his service revolver and say he was going to shoot the first English boy who did not understand and respect the role of Scotland within the United Kingdom. He never shot any of us, but we were very polite. I have a question arising out of what he taught us then. I am trying to verify it by reading back through the Act of Union, and it looks as though he may still have a point, which would be a problem with what we have here. Is it still correct that the union itself requires there to be complete parity and similarity between all taxation imposed on each of the countries, and that any breach of those circumstances that led one country to be advantaged over another would result in the immediate termination of the whole union, and the union would be null and void? The arrangements that we are now proposing for Northern Ireland seem to leave open the possibility, for example, that the VAT rate could be reduced by 5%, outside our control at any time, and that would have the technical impact of breaking the union. That is a huge point and I want somebody to tell me that I am wrong. Some 40 noble Lords have spoken today and nobody has asked yet, so I probably am wrong, but I would like confirmation that there is no hazard in that point please.

My second question is: what are the known unknowns behind the deal? What do the Government know has been agreed privately—hands have been shaken on it and it is subject to some protocol somewhere—that is not set out in the information here for us to be told about? I provided a list of five names to Mr Gove, and asked him to research them and take them to the Prime Minister, of people who were sent by the Cabinet Office to undertake separate negotiations in Brussels on a range of subjects. I will not be mischievous by naming what those subjects are, although I have a fair idea. I want to know what private deals have been done that affect the future of our country and our sovereignty and which challenge all the things that we hold dear in this country. The Government may say that I am talking total rubbish and that there are none, so I want it certified that there are none and that the day we Brexit we cannot have Mrs von der Leyen on the phone saying, “By the way, we hold you responsible for all those deals that you signed up for, and we will implement them as of tomorrow”.

I want to know that there are none or I want to know what they are. I believe that there are at least five or six out there. I have provided the names of the people who I believe led those negotiations and I want those deals either identified to us or it confirmed that they will never apply. Then I will support this deal and I believe many noble Lords will join me in doing so.

1.42 pm

Lord Brooke of Alverthorpe (Lab): My Lords, I am pleased to speak again on this topic. In September, contrary to my party's viewpoint at the time, I said that I thought, when I revisited Mrs May's deal, that it was worthy of support and that it offered an opportunity, given the Commission's offer to take a look at the backstop. In the event, we now have a change and we have a further deal.

It is interesting to see the journey that we have made. The longer that we work at it, the worse the deals get. This deal is worse than the last. My fear is that if we keep at it and keep delaying, the next deal will be worse. The next deal, of course, could be to crash out without a deal. That is still a possibility and all the difficulty that we have talked about encountering—in the diminution of workers' rights and all the rest of it—would be a damn sight worse if we crashed out. So it is vital that everything is done to ensure that we do not crash out.

If we crashed out, the Government's estimate of the likely consequences are probably far wide of the mark of what would happen. We have no idea how a divided country would deal with supermarket shelves that were empty and not being filled, or if there were no access to fuel or the medicines that people need. Those are the kind of problems that we would encounter. We do not know what would happen if sterling crashed and the stock market crashed. So, when we come to look at any deal, we have to think not just about its demerits but about what might follow if we fail to reach a deal. Noble Lords can probably hear where I am coming from, even though I do not like the deal.

With any deal that we reach—and I return to unison with my colleagues here—the Prime Minister will have to go the extra mile and find a way of putting it to the people. Brexit came from the people. It is difficult to realise that only four years ago we would never have believed that we would be having these kinds of debates. Before David Cameron was elected, it just was not on the agenda, and here we are now with the great imponderables we have.

I am sorry to be preceding, not following, the noble Lord, Lord Cormack, who has a Private Member's Bill about balloting and referenda. I have not had a chance to read it, but I believe that we will not get the genie back in the bottle on referenda. The monopoly of power in Westminster is now being challenged in a way that we have never experienced before, and we are not responding well to it. We are failing and failing. We must not for one moment believe that this is the last referendum. People are already asking for another one on the deal. Referenda will come in Scotland and, in due course, in Northern Ireland. It is likely that we will end up with the UK falling apart come what may because we now have the technology that people will insist on using to have their say. They have their power and they will take much of it away from Westminster. They will look at the issues which are closer to them and are, as the noble Baroness, Lady Bennett, said, local and are not addressed in the way that they wish.

We must be alive to the changes taking place around us and try to respond to them better than we have done so far. Otherwise, we are in real trouble. That means

[LORD BROOKE OF ALVERTHORPE]

we have to spend more time with people. We must have citizens' juries, as suggested by my noble friend Lady Armstrong, and get back closer to the people. We have to remember that when we had the vote in 2016, many people voted who do not normally do so. They may have voted in a way we did not like, but we have to understand them better and we have to encourage them to continue voting and playing a part. With the technology that is coming, they will find ways to do that, and it is our risk if we do not respond and try to take into account their views and develop policies accordingly. I am moving away from the deal and taking a broader view of where our democracy is going. We can turn it round, but we need an entirely different approach from that which we have adopted today, and to be prepared to share our power.

1.47 pm

Lord Cormack (Con): My Lords, I am very grateful to the noble Lord for trailing my forthcoming Bill on referenda and how they should be organised. I hope it will appeal to noble Lords in all parts of the House when it comes before them.

I have a question for my noble friend who is to wind up. A rumour is circulating—I received a text about an hour ago—that if the Letwin amendment is carried, the Government will pull the main vote. I hope that will not happen because the passing of the amendment does not prevent the deal being done, and it would be deeply unfortunate if there were such an anti-climactic end to today's proceedings. The noble Lord, Lord Foulkes, in his inimitable way, referred to the fact that 37 and half years ago he and I took part in that truly dramatic and truly emergency debate on the Falklands when the Commons and, I believe, this place were virtually united and the leader of the Opposition made a passionate speech that enabled the Prime Minister of the day, Margaret Thatcher, to dispatch the great force to the Falklands on the Monday. Had there not been that degree of consensus in the House, that could never have happened. Our debt to Michael Foot is very considerable.

For the past four years, Brexit has dominated our discussions and for the past three—nearly three and a half—it has overwhelmed them. We have to recognise that in this long and sorry saga, precipitated by a referendum we should never have had, we have been complicit. This House gave the referendum Bill a pretty smooth passage, as did the other place. We have rehearsed this many times in your Lordships' House and we now have to realise that the referendum having happened, and a small majority—not the qualified majority that we called for—having voted in favour, the time really has come to accept a deal.

I would have supported Mrs May's deal, had this House had a chance to vote on it. Incidentally, I understand that a few minutes ago Mrs May made a powerful supportive speech of her successor, treating him with a degree of kindness that she did not always receive herself. We have to listen to what she says. As the noble Lord, Lord Birt, said in a very interesting and thoughtful speech, we could well be on the brink of this deal or no deal, and no deal would be the worst possible outcome. It would dramatically endanger the union.

I believe in the union of the United Kingdom more than I believe in any other political entity, and to see it dismembered as part of the Cameron legacy would be deeply distressing.

I say to your Lordships: remember that when we vote in this place, we do not, as they do in the other place, vote with a strident "Aye" or "No"; we are more reflective and vote "Content" or "Not content". I do not particularly like this deal. I would never have started from here. You can never retain the benefits of membership of an organisation by leaving it. However, the fact is that we are on a very dangerous cusp, and I say to your Lordships that we may well better serve the interests of our country—I believe that we would—by taking a deep breath and voting "Content".

1.52 pm

The Duke of Wellington (Non-Aff): My Lords, as always, I declare my European interests as detailed in the register.

I did not speak in the debate earlier this week, as the details of the new withdrawal agreement were not yet known. They are now known. We have today heard some excellent speeches opposing the new deal and I agree with much of what has been said. However, with considerable misgivings, I now commend the Government for having reached an agreement with the European Union which, if agreed by the other place, will enable this country to leave the EU in an orderly fashion. It always seemed to me, and to many others, that to leave with no deal was the worst possible outcome. Indeed, there is a clear majority in this House and the other House to prevent such a disorderly exit.

Today, we are invited by the Minister to take note of the new withdrawal agreement laid before this House. My own view is that, however imperfect it is—and it certainly is imperfect—it should be supported. It is imperfect in many ways but, in particular, it introduces a different status for Northern Ireland, and this will have consequences for the union. Many noble Lords have explained that—in particular, the noble Lord, Lord Reid. There must surely be certain MPs who today regret that they did not vote for the earlier version of the deal negotiated by Mrs May last year.

I have always said that I would have voted for the original agreement and that I would vote for a different deal negotiated by the new Government. It would be churlish not to give credit to the Government for having secured an agreement against difficult odds. However, I deeply regret that on this passage the Government decided to try to prorogue Parliament unlawfully a few weeks ago. Both this Government and that of Mrs May, one has to admit, have too often given the impression that they wished to diminish parliamentary involvement in this most difficult matter. Even if the other place supports the new agreement in a meaningful vote this afternoon, I think it will still be necessary to seek an extension to Article 50. The legislation, when presented to Parliament, will be highly complex and will require considerable scrutiny in both Houses. It would be incorrect to rush through such an important Bill just because of a totemic date and a leadership campaign commitment.

The most important aspect of a withdrawal agreement is that it contains an absolutely necessary transition period, widely recognised as desirable by all reasonable people, but we must be aware that uncertainty will continue. It is only after we leave that the real negotiation can begin. If it has been difficult to negotiate a withdrawal agreement, it will be far harder to negotiate a long-term trade agreement with our closest trading partner, the EU, not to mention our hoped-for new trade agreement with the United States. So we are faced with several more years of uncertainty, which is so undermining for so many investment decisions.

To my great regret, the British electorate decided by a relatively small margin to leave the EU, but it would be completely wrong to pretend that the withdrawal agreement will boost the economy, increase investment, accelerate growth or improve the public finances. Still, I have concluded, with great sadness, that the political arguments for supporting the deal are probably the most important today. We are surely in a place where few would have wanted to be, and we must hope that after we have left, and the necessary general election, the new Government seek not just a free trade agreement but the closest possible economic arrangements with the European Union. That is surely in our national interest.

1.57 pm

Baroness Nicholson of Winterbourne (Con): My Lords, I am most grateful for the opportunity to participate in this take-note debate where we are looking at the, I think, magnificent agreement on the withdrawal of the UK from the European Union and its matching and finely written political declaration. Much of the last few years, and certainly the recent months and weeks, have focused on our needs and the European Union—that is, what we feel is wrong. Today, I think we should look at the needs of our fellow member states and, from that perspective, at how Britain has been of use and value to the European Union itself. Essentially, it is in the relationship between France and Germany where our input has been most valuable of all. For 43 years, the UK has been the centrepiece of the see-saw that is France and Germany, on which the entirety of the European Union's peace and security hangs. The question seems to be: how can we continue to do that from outside?

I personally believe profoundly in the value of co-operation, co-ordination and collective action as far as possible. So why should we feel that we might be better out than in? Britain has a unique capability of global partnerships. I do not think it is right for us to continue to work almost always through the narrow prism of the European Union. Indeed, when one is overseas negotiating for the United Kingdom in different ways, it is very clear that those outside the European Union feel that they can hardly find us because we are covered by this enormous cloak, or cloud, of the European Union.

We have to move ahead, and as we do so we have a heavy obligation towards other member states of the European Union. Why move ahead at all? It is an obligation to our own people. We need no stumbling blocks in our pathways when we seek greater prosperity and peace. Perhaps it is worth recalling, then, that the

European Union is a highly sophisticated protectorate and we flourish through free trade. Indeed, listening to others, the chief economist of Germany remarked the other day that Britain would be economically far better outside the European Union, because the European Union's restrictions were becoming tighter and tighter for Britain's financial and economic future. We will undoubtedly be better out; I am sure that that is true.

Look at money flows, for example. The SWIFT banking system, which I worked on here, emanated from the United States of America, our major global partner. Look at how the European Union—with the best will in the world and with us assisting, but against the USA's wishes—has been attempting to find another money transfer system to work with Iran; it simply has not proved possible. We are the internationalists and it is absolutely vital that our key strengths are now used more fully.

Of course, we have the magnificent key strength of the English language. We are tremendous innovators—almost better than anyone. The world wide web is just one example. We have the City of London. Our historic position in the Hanseatic League may be the best model for us to develop for the future, because it is absolutely clear that we are leaving the European Union. I believe that the vote will go through today but if it does not, you will see from the statistics from the various surveys that the tidal wave of the British people trying to leave is unstoppable.

The European Union has not yet finished its project and that is another reason why we should do all we can to help. It still has the Baltic states to pull in and a great deal of internal work to do to get some form of co-operation on its enormous corruption. As we settle into our next phase, I hope and believe that we will support the continent of Europe, mainly, but not only, through the European Union.

I had the good fortune—I thank my country for allowing this—to serve in the European Parliament, the parliament of the Council of Europe and the parliament of the Western European Union, as well as in the other place. I can see that ever closer union is crucial to keeping the peace between France and Germany, but not crucial—in fact, antipathetic—to the feelings of the United Kingdom, which is global and international, and always will be.

Therefore, there is a task behind which we can now all pull: to get on with leaving the European Union. There is no more time left. Colleagues, friends, noble Peers and those in the other place, it is time to act.

2.02 pm

Baroness Falkner of Margravine (Non-Aff): My Lords, it is a pleasure to follow the speeches of the noble Duke, the Duke of Wellington, and the noble Baroness, Lady Nicholson of Winterbourne. They both bring first-hand experience of the European institutions; I only wish more people who had served in Europe could make those points.

My points are very simple; I will make just three. I would like to rebut the arguments that some noble Lords have put forward regarding the economic impact of this agreement. What should alarm the House, and will cause alarm around the country, is the certainty with which noble Lords assert that in X years' time—

[BARONESS FALKNER OF MARGRAVINE]

perhaps five, perhaps 10—the damage to households will be exactly £2,000, £3,000 or whatever. When they say that, they must know that it is impossible to economically model at that level of certainty and detail events that are, first, yet to happen and, secondly, unpredictable. There are too many variables in open, capitalist, global economies to be able to model with that level of accuracy.

I will give noble Lords an example. Two years ago, no German car maker could have imagined that Germany, the country with the biggest current account and trading surplus in the EU, would be tipping into a recession this quarter, not because of anything that the German Government or the EU have done, but due to Mr Trump and Mr Xi Jinping's trade war with each other. I beseech noble Lords to stick to what they can support with evidence, rather than speculating on things that simply cannot be based on verifiable or acceptable methodology.

My second point relates to the people's choice argument. I urge this House to reflect on the implications of saying that people did not know what they were voting for. Cannot the SNP legitimately use that argument for yet another referendum on Scottish independence? It is borne out by credible surveys that people were clear on what they were voting for. Alas, they were voting to leave.

That argument also undermines a more subtle case for democracy. When people go to the ballot box in an election, they do not know how a Government will come about. They do not know how the Government will implement a pledge. In fact, as 2010 showed, they do not even know which Government they will get. Every election is uncertain until 10 pm on the night. People did not know in 2010 that voting Liberal Democrat would result in high tuition fees, but that happened. They did not know that it would result in a fixed-term Parliament and that their constitutional arrangements would be significantly changed, but that happened.

To look to a third referendum to resolve this crisis is to look in the wrong place. If we must test public opinion, then test it through a general election. Labour should be grabbing that opportunity with both hands, if they truly believe that they are the party that will be able to retain labour and environmental standards. But such is their fear of the ballot box that they will not go there.

My final point is to do with what comes if and after this deal is passed. Noble Lords have thrown all manner of things into the debate that have nothing to do with it, such as chlorinated chicken. It is also asserted that we will take years to resolve a new relationship with the EU. On both points, the withdrawal agreement makes provision for the extension of the transition period. That transition period is a standstill period and nothing will change other than that the EU and the UK will negotiate for the future free trade agreement. Should sufficient progress not be made by June 2020, an extension can be agreed for a further two years—effectively until December 2022. That surely would give sufficient time to complete an FTA when we are starting from a completely equivalent state of regulatory alignment.

Those who want greater time for scrutiny are right. We should examine every line of every measure that comes before us as we go forward, but go forward we must.

2.07 pm

Lord Blackwell (Con): My Lords, I draw attention to my business interests in the register, but of course, as always, I speak in a personal capacity. I will not revisit arguments that many have rehearsed about whether Brexit was the right decision. That decision has been taken. The issue now is how we move forward. I simply remind noble Peers that, for many, that decision was not simply a crude calculation of short-term economic interests. It was about the wider question of whether the UK was comfortable within the institutional and legal framework of an increasingly integrated and eurozone-dominated European Union as defined by the Lisbon treaty.

Having reached this stage, I believe the most important thing now for both the business community and the country at large is to end as quickly as possible the uncertainty which, as my noble friend Lady Harding said, is doing so much damage to the economy and the business community. Instead, we need to restore confidence in our potential as a country to build a prosperous future as an outward-looking, global trading nation.

Some have argued that, from one perspective or another, this is not the perfect deal. But, with differing objectives, it is inevitable that any agreement has to involve compromise by all sides. I remind the House that this is simply the withdrawal agreement, creating the temporary arrangements under which the much more important terms of our long-term relationship can be agreed. It is time for Parliament and the country to move on to focusing on building that future. I believe we should do so with confidence and optimism about the long-term prospects for the United Kingdom.

The fact is, as my noble friend Lady Nicholson set out, we have tremendous advantages as a nation in taking advantage of the emerging economic and technological forces shaping the world. These are not only the long-standing advantages we have as a global centre from our language, culture, legal system and, yes, political stability. These remain potent attractions for global business and global investment, but we also benefit from the skills and innovation that we have built in the growing high technology sectors—software, fintech, biotech—supported by world-leading universities and a flexible, resilient workforce that has proven its ability to adapt to change. The same is true of many of the other high-value service sectors, which are increasingly the dominant driver of the economy. This creativity and global reach is evident in the success of our arts and media, in the professional services, and in the financial services and the City of London.

Without diminishing the importance of manufacturing and trade in goods to any economy, it is our competitive advantage in these growing high-value service sectors which should give us grounds to be optimistic about our future. However, to allow all parts of the economy to move forward, invest and flourish, we need to end the debilitating impact of uncertainty as quickly as possible, and foster that spirit of confidence and optimism.

Therefore, we should now be turning our attention beyond the withdrawal agreement to the more important arrangements for our future relationship with Europe, which will be negotiated over the coming year. I am encouraged that the political declaration sets out the objective of achieving a relationship for an independent UK which fosters continuing trade and co-operation with the European Union. For manufacturers, it sets the objective of a free trade agreement with no tariffs or quantitative restrictions. However, for the reasons that I stated earlier, it is important that we now also pay attention to the arrangements for continued trade and access in services. One critical aspect of that in the political declaration is co-operation on data protection to allow the free flow of data between UK and EU entities, and, for the important financial services sector, the commitment to continue open access through an equivalence framework that nevertheless respects the autonomy of the UK and EU regulators.

It is time we moved forward. I look forward to a prosperous United Kingdom that continues to be a beacon of values in the world as an outward-looking global nation, a nation that we, our children and our grandchildren can be proud of. Let us put our divisions behind us and move on, to create that future together.

2.11 pm

Lord Puttnam (Lab): My Lords, for the sake of brevity, I will restrict myself to just two of the recurring fantasies that we are currently forced to listen to. The first is that the country will somehow find itself united under a Government led by Boris Johnson. As even his friends concede, Mr Johnson is an almost uniquely divisive and untrusted figure. While I would argue that remainers tend to be less viscerally unforgiving than their opponents, the idea that the division that has riven this country for over three years is going to be magically healed is surely the one nonsense we can all agree upon—and certainly will when the full impact of unrestrained market forces begins to devastate the lives of those least able to withstand it. Should the Prime Minister succeed this evening, the only winners will be not the people of this country, but Mr Putin, Mr Trump, Mr Bolsonaro and others whose route to success is based on the flagrant exploitation of ignorance and fear. I was taught by my parents that we can be most easily judged by the friends we make.

The second deliberate falsehood that has been peddled is that a confirmatory referendum will inevitably lead to a likely third, fourth or even fifth one. Clearly, this is put about by people who struggle with the English language. Check out the word “confirmatory” in the dictionary, and you will find that it means,

“serving to make an arrangement or agreement definite or valid”. It is bolstered by words such as “verifying”, “substantiating”, “validating” and “closure”.

I live in the Republic of Ireland, a country that has recovered from a painful birth. Noble Lords will remember that the Irish rejected the Lisbon treaty in 2009 but, having secured an enhanced role for small states, then voted to agree the ratification by an overwhelming majority of 67%. Were they right the first time or the second time? The most recent poll, in May 2018, indicated that over 90% of Irish citizens now wish to remain in the EU, and when it comes to people too

young to have voted in those earlier referenda, the figure is closer to 99%. That is what I would describe as closure. I have never heard it suggested that having a second and better-informed view can be a bad thing. In fact, it could reasonably be said to be the primary function of your Lordships’ House.

Find me one adult in this country who on 23 June 2016 knew what they were voting for, knew they were voting for the deal being laid before Parliament today. It is quite possible that it will be embraced as the very least worst option. If so, why are those proposing it so afraid of referring it to the people? Are they concerned that misdirected lightning will fail to strike twice? You are damned right they are.

I would simply make one additional point. Should the Prime Minister impose his deal on the country, the momentum could easily encourage him towards a further victory at a general election. In my view, a Boris Johnson Government would be a disaster not just for this country but for every single Member of this House. In that respect, I am perfectly happy to be judged by history. That being the case, I ask any waverers in my own party who later today might be thinking of voting with the Government, and against a confirmatory referendum, to recall a speech made by my noble friend Lord Kinnock in Bridgend on 7 June 1983. It was a speech which led me and many other disillusioned Labour supporters to rejoin the party. To paraphrase my noble friend, if Boris Johnson wins this evening then, under his Government, I warn you not to be vulnerable. I warn you not to be young, not to fall ill and not to grow old. Most of all, I warn you not in any way to need the help of the state, as it is very likely not to be forthcoming.

2.16 pm

Baroness Meyer (Con): My Lords, now there is no excuse for not approving the Prime Minister’s agreement. The new agreement is a big improvement on the previous one. For the first time, we have a deal that truly reflects the people’s vote of June 2016 to leave the European Union. It returns control of UK affairs to where it belongs: the British people. It also places Northern Ireland’s future where it belongs: in the hands of the people’s representatives in Northern Ireland. This is consent in action, a principle which has always been a cornerstone of the Good Friday agreement. Of course, the deal is not perfect for everybody. Each side has had to compromise, and red lines have disappeared—but that is negotiation, the price of an agreement.

The Opposition claim that the deal would result in the dilution of rights and standards in the United Kingdom. I have no idea which document they have read, but paragraph 77 of the revised political declaration says clearly that,

“the Parties should uphold the common high standards applicable in the Union and the United Kingdom”,

and,

“maintain environmental, social and employment standards at the current high levels provided by the existing common standards”.

That should be good.

Meanwhile, beyond the Westminster bubble, voters boil with frustration at Parliament’s inability to get this thing done. This, as I have said before, is how revolutions start.

[BARONESS MEYER]

Yet, inside the Westminster bubble, the Brexit Party's success in the European elections is forgotten, as if it never happened. Talk about ostriches with their heads in the sand.

Certain Members of both Houses are once again trying to delay and derail Brexit when their duty lies in the opposite direction. They, including those demonstrating in central London today, lay claim to a phoney democratic legitimacy by demanding a second referendum. But, as long as the result of the first referendum remains unfulfilled, the case for a second does not have a moral leg to stand on. Add to that the cost, the aggravation of still further political division and the bitter argument over which question or questions should be asked, dividing friends against friends, family members against family members. Who in their right mind wants to go through that again? Under the camouflage of promoting a confirmatory vote lies the real agenda: to revoke Article 50 and reverse the referendum result. This is what it is all about. At least the Lib Dems have had the decency to come clean.

The fear of no deal at the end of 2020 is new and spurious. How can it be crashing out if the withdrawal agreement is already ratified? This is surely another delaying tactic. The surest way to avoid no deal is to agree to this deal. As my noble friend Lord Howell of Guildford said, we should beware. Jean-Claude Juncker, President Macron and Prime Minister Varadkar have each already fired a shot across the bows of those who favour a further extension of Article 50. Remember that it takes only one member state out of 27 for an extension to be refused and to send us crashing out with no deal. This is the default position, whatever our Supreme Court may have ruled. Remember too that, while we are still members of the EU, EU law supersedes UK law.

We now at last have an agreement that justifies the name Brexit. It is our duty to honour it without any further delay. I pay my own tribute to the noble and learned Lord, Lord Judge. I completely agree that the only way forward is to come together and go for this deal.

2.21 pm

Lord Naseby (Con): My Lords, it is a pleasure to follow my noble friend, who has just given the House a few home truths. I am firmly in the camp of getting on with it; I am a practical man. I can speak in any depth about only Northampton, but the vast majority of people who approach me there tell me, "Get on with it". Industry and commerce in Northampton say, "Get on with it". In particular, the exporters—we have some very good ones there—say, "Get on with it". So I congratulate the Prime Minister. He has shown vision, statecraft and leadership. Above all, he has shown sheer willpower, because none of this can have been very easy. I say to my former friends in the other place: this is not a time to scupper this deal. This is a time to bite on the bullet and look to the future.

This is a better deal than Mrs May procured. The key is that it allows the UK, as of right, to enter into new trade deals and to negotiate them on our own terms. Once the transition is over, we can set out our own rules, taxes and regulations. We can have free trade agreements,

regardless of what the EU wishes. I hope we will have a good trade deal with the EU as well, but I worked overseas for a number of years and there are huge opportunities out there. In a minute, I shall give one example. I do not want to parade this too much, but in 1967 I wrote a pamphlet with my noble friend Lord Vinson and another gentleman. At that time, we were all in exporting. I have one copy left and I shall present it to the Prime Minister when I next see him. It is called *Helping the Exporter* and had eight key recommendations. I shall not run through them all; there is certainly not time to do so. The headline recommendations were: a close look at the support that the diplomatic corps gives to exporters; a nominated board of trade; business education in exporting; a revamped Queen's award; and—in my judgment—why not a new royal yacht and fiscal incentives?

The second example is perhaps much more current. I declare an interest as president of the All-Party Group on Sri Lanka. Five weeks ago, I was asked to address the equivalent of the CBI in Sri Lanka—the Organisation of Professional Associations of Sri Lanka—which covers 51 professions and has over 50,000 members. I talked about the future for our country and trade between the two countries. As far as I could see, there were over 250 people there and not a single person against the idea. I got hundreds of business cards and, as a result, a trade and investment conference was held last week, here in the City of London. I thank the government Minister who attended; that was good.

On top of that, the World Bank has just announced that it sees Sri Lanka as a potential emerging trading partner. It is a maritime hub on one of the world's busiest trade routes, with three world-class ports: Colombo, Hambantota and Trincomalee. Port City Colombo gives the opportunity for investment, and we can be the trigger, as we were with the Victoria Dam in the early 1970s. Above all, when you look at where Sri Lanka is positioned on those trade routes, it is unique in how it can service the entire market of Asia. It already has free trade agreements with India, Pakistan and Singapore. There are no fewer than 3.5 billion people in that part of the world, and here is the hub. Which is the country that has the closest relationship with it? It is this country. There is a massive opportunity here, and I say to my noble friend on the Front Bench: for heaven's sake, let us take it up.

I use that as one case history, but other colleagues here have similar relationships elsewhere in the world. Let us take them up and build for the future.

2.27 pm

Baroness Deech (CB): My Lords, even if the worst were to happen and the Commons were to reject this new deal, the relationship between this country and the 27 of the EU can never be the same again. There is no going back, and the demonstrators calling for a second referendum have to realise that Humpty Dumpty cannot be put together again. There has been too much betrayal of trust on both sides. But now there is a potential new start, on a new footing. I believe it is a healthier one; finally, the EU representatives have realised that we are serious and that there is a life that we can manage outside the EU. Our own democratic processes can return to normal and, no matter how

rocky the road ahead, with possibly years of negotiations to come to finalise our new relationship, the boil will have been lanced.

Despite the years of discussion, it is odd that the EU has never asked itself why people in this country voted to leave. Remainers see everything through a prism of economics, no matter how dodgy the forecasts. But given the figures that we have heard, the reduction that we would all suffer if the green agenda were to go ahead swiftly—which would be a good thing—is greater. The losses that we would all suffer were Mr Corbyn to come to power would be infinitely greater than any sums mentioned this afternoon.

Even this past week, the failings in the nature of the Union that have caused people like me to reject association with it have come to the forefront again. Brutal repression of the Catalan independence fighters in Spain has met with no objection from the EU because it does not want to antagonise Spain. There is blackmail by Turkey, which knows that it can let loose its penned-up migrants and cause chaos on the continent, and the return by elections in Poland of an illiberal Government, who have pledged to defy Europe over migrants, free media, judicial independence and sexual choice. As a member of the EU, we failed to prevent this sort of result, which is inevitable in its empire-building. We have failed to prevent the rise of extremism and the march of violence across Europe, and I hope that in future our voice in the UN and NATO will be raised against those developments without any inhibitions.

I welcome this deal, although I am only too well aware that it contains provisions which cause me great concern, such as any continued jurisdiction of the Court of Justice, a court that is not impartially structured, as we understand courts in this country. I hope that a UK judge will be included in it if it ever has cause to adjudicate on matters concerning this country. The deal before us is the most viable of any, given the self-inflicted wound of the Benn Act, which, had it not existed, would have given the Prime Minister a stronger hand. The Benn Act is a stain on the reputation of draftsmanship, with its glaring errors, which the Opposition were almost proud to overlook in their haste to tie the hands of our negotiators.

The opposition of the DUP is hard to understand and self-destructive. It is Northern Ireland that has erected the hardest of borders between itself and the UK through its backward stance on civil liberties such as abortion and same-sex marriage, through its continuing violence and by trying to thwart this deal. It has always had a special, differentiated place in the constitution—that is nothing new—and, given that the majority of Northern Ireland voted to remain, it ought to be pleased about its new special closeness to Europe. We have to ignore the DUP, prominent only because the previous Prime Minister needed its votes after the last election. It cannot be right that 1.8 million people hold the rest of Europe to ransom. It is undemocratic that the DUP should insist on having a veto over any changes in the arrangements, where the withdrawal agreement stipulates only a simple majority of the Assembly to the continuation of the protocol.

What a warning this is to the proponents of Scottish independence. Have they considered what sort of border they would have in that case with England? Have they ever wondered whether the EU 27 would welcome another secessionist state, given the lack of support for Catalonia?

Another referendum would be even more divisive, ill informed, probably rigged and less decisive; once you have more than one referendum, none has any abiding validity. If leave won again, as I believe it would, we would be in the same position, and if remain won that result would be treated by leavers in the same way as the remainers treated the result of the 2016 referendum. We have the opportunity to move forward in good order and repair relationships with the 27. We must take it today.

2.32 pm

Lord Balfe (Con): My Lords, I draw your attention to my entries in the register and begin by perhaps upsetting a few people. In his speech, which the Leader of the House read out, the Prime Minister said he did not think he had heard a single Member stand up and call for:

“Britain to play her full part in the political construction of a federal Europe”.

Well, in 1980 I joined the Spinelli group in the European Parliament, which was dedicated to drawing up plans for a federal Europe. At that time I was in the Labour Party, which believed in leaving the European Union in its election manifesto of 1983. The Conservative representative there was a Mr Stanley Johnson. Incidentally, the second Conservative representative was Bill Newton Dunn, who remains a Liberal Democrat MEP. We were the three Brits who sat there and, in the end, we got new treaties. We managed to break the logjam. They said, “You can never have a change; it was all set down in 1956”. We broke that logjam, and I am very pleased that we did.

However, the Prime Minister is right to some extent when he says:

“It is true that we have often been a back-marker”, endlessly,

“trying to block some collective ambition”.

This extends to both major parties that have been in government in that time—I remember the number of arguments I had with Labour Ministers about moving Europe forward. The Labour Party and the Conservative Party have both used office to try to block developments in Europe, and now we are paying for it, because the result of the referendum was the British people saying, “If you don’t like them, why should we?” That is why, if we had another referendum—which I support as the only way to change the decision—I am by no means sanguine that we would get a different result. I think we might get the same result with a somewhat wider margin, but as it is the only way to challenge the decision, that I believe we should do.

Just after the referendum, I was in Germany and met a friend who was a member of the German Cabinet. I wrote down what he said, because it has turned out to be absolutely true—I thought it would be at the time. He said, “You are going to pay and we are going to stick together”. That is exactly what has happened. The bill is for the commitments we made, and the EU has stuck together remarkably strongly.

[LORD BALFE]

We now face three problems. First, we will be weaker economically. On the so-called trade agreement, seven of our top 10 export markets are members of the European Union. The eighth is Switzerland, which is to all extents and purposes a member of the European Union. The next is the United States of America—we know how difficult it is to get trade agreements with it—and the 10th is China, where we probably need the European Union's strength to negotiate a decent trade agreement anyway. That is why we will be weaker economically because we will not have the EU behind us.

We will be weaker in terms of stability. People have mentioned the upcoming referendum in Scotland. Let me draw your attention to an interesting phrase from the Spanish Government when talking about Catalonian succession. They said: "We can only recognise secessionist Governments if the secession has been done in a proper legal manner". In other words, if Scotland leaves the UK in a proper legal manner, it will be able to join the EU. If I were a Scot, I would think that was a very big incentive.

Finally, I turn to the strategic challenge. I was in the European Parliament at the time of the Falklands War. We had to push very hard with the Spanish and the Portuguese, who at the time were negotiating for membership, to keep them onside. They were very likely to have taken the Latin American point of view. We kept them onside—I see my good and noble friend the Duke of Wellington nodding, because he played a part in that at the time. We have kept them onside on Gibraltar, where there has been lots of provocation over the years. But we will not have the diplomatic clout of the EU when we run into trouble. Let us bear in mind that our military forces today are much weaker than they were then.

It will be a very bad day for Britain when we leave the EU, I make no secret of that. It is probably the biggest disaster of my political lifetime.

2.37 pm

Lord Willetts (Con): My Lords, I draw the House's attention to my entry in the register of interests and immediately pick up one of the points made by my noble friend Lord Balfe. He referred to the image in the opening statement of Britain as a kind of back-marker, always trying to stop things happening in Europe. That is indeed how we have approached a range of issues in Europe, neatly summarised as Britain's diplomacy being to drive in the fast lane, but very slowly, with everyone else flashing their lights behind us.

We indeed approached a range of European negotiations in that spirit, but that is not the only way in which we acted in Europe. Often, Britain took a lead in projects that were in our interest and consistent with our economic objectives. For example, European trade deals were heavily influenced by British requirements and a British agenda, and we pushed them forward. It will be very hard for us, as a much smaller economic entity, to secure as much as we did when we were shaping the agenda of such a large bloc.

Similarly, the single market was a great British project led by Margaret Thatcher. There are noble Lords in the Chamber now who played a crucial role in those

great Thatcherite economic reforms. As the economists work out the value of privatisation and trade union reform, our membership of the single market and the competitive pressures it created is up there as one of the drivers of our economic success. It was a great Thatcherite project.

There was another project: that of John Major, successfully completed by Tony Blair, to deliver peace in Ireland. In the passionate speech of the noble Lord, Lord Purvis of Tweed, we heard from the Lib Dem Benches the authentic voice of unionism, expressed with power and emotion.

The reason why this is not a happy day for many of us is that we see two great successes—the promotion of the single market and the securing of peace in Ireland—as under threat. Of course, as a remainder, I realise that that exposes us to the charge of bad faith—that is, were we ever going to respect the result of the referendum? In a way, that was the challenge put by my noble friend Lady Morris of Bolton when she asked how we could have made it so hard. Briefly, I want to explain how I think things have gone so wrong. One reason is that the red lines drawn in the Lancaster House speech were very different from the Brexit proposition in the referendum. That suddenly narrowed our options and meant that the single market and the customs union, which many people had assured us we would be able to continue as members of, post Brexit, were suddenly no longer acceptable. As my noble friend Lord Lansley pointed out, there was also this diplomatic disaster: instead of negotiating our future economic relationship alongside the departure terms, we conceded, stupidly, that these should be sequential and that we should leave and subsequently negotiate. It is those types of mistake that have hardened attitudes on both sides.

It was not predetermined, therefore, that we would have the difficult three years that we have had, nor that many of us would conclude—as I have reluctantly done—that, once a final proposition is before us, we need to put it back to the people for a confirmatory vote to be sure that that is absolutely what the people thought they were voting for when the original referendum was held.

I hope that the Prime Minister's deal makes its way through both Houses. I thought that the tone of his speech this morning and the way in which my noble friend the Leader of this House presented it—that is, talking about the interests of the different parts of the country, with the 52% and the 48%—was the right tone to adopt. If that had been the philosophy for the past three years, taking account of both the votes in Northern Ireland, Scotland and London and the clear preferences of the business community, we would not be in the position that we are in today. The tone was very welcome, and the only logical conclusion from the approach set out is that there should be a confirmatory referendum.

2.42 pm

Lord Anderson of Ipswich (CB): My Lords, I congratulate the Prime Minister and his negotiating team on concluding a revised deal that many said he never wanted and many said he could never achieve.

The deal presents the House of Commons with a difficult decision. In its favour is the powerful point that to approve it would complete at least the first stage of Brexit, satisfy the public that Parliament is capable of deciding the central issue and present business with a degree of confidence as to what the future will look like. Against it is a range of arguments too familiar to bear repetition but with some new additions specific to this text: the aspiration for a merely standard free trade agreement with the EU, underlined by the downgrading of the level playing field from “binding treaty commitment” to “political declaration”, will cause other, less benign impediments to arise; the forms, permits, authorisations, licences, approvals, certificates and local representatives that will be required by exporters, transport operators and manufacturers; the revival of discriminatory and non-discriminatory host state barriers to cross-border service providers such as myself; and local requirements for migrants abroad, ranging from healthcare eligibility to driving tests and the transport of pets.

It would, in short, take us back to the days before my former boss, Commissioner Lord Cockfield, set fire to a thicket of precisely such red tape when he planned the completion of the internal market; a fine example of British influence in Europe, as the noble Lord, Lord Willetts, has just said.

The noble Lord, Lord Baker, in his elegant speech, said that Northern Ireland will have a unique opportunity to participate in the single markets of both the UK and the EU. At the moment, we all have that opportunity, and there will be a cost in losing it.

Other imponderables arise from the new text. In relation to Northern Ireland, there is the practicability, or otherwise, of the new and highly complex customs arrangements that are envisaged, perhaps permanently. More profoundly still are the possible consequences, to which several noble Lords have averted, for particular industrial sectors, not all of which, so far as I can see, have yet produced their own assessments of this deal. There are consequences for the economy as a whole, and most significantly of all, for the place of both Northern Ireland and Scotland in our union.

Nor do I find it as easy as some have done to say that the obvious answer is a people’s vote. That may yet turn out to be the only possible answer, but some will continue to see it as illegitimate. The political road that would have to be followed to achieve it will not be to everyone’s taste, and the public, as a number of noble Lords have said, are not in the mood for further delay. But it is precisely when others are impatient that it is most important for us to do our job methodically and well.

We in this House pride ourselves on our careful scrutiny of even quite small things. We expect the proposals that come before us to be costed and accompanied by impact assessments. Even inconsequential Bills are subject to careful assessment in Committee. Treaties are normally laid before Parliament for 21 days under the CRaG Act. We even have 14 days to decide whether we want to keep a dishwasher. Yet no impact assessments or technical explanations have been provided of this agreement, notwithstanding its extraordinary significance for our economy, our rights and even the continued existence of our union. The House of Commons has been given one day to review the withdrawal agreement, and nor

has there been any proper time for our committees to scrutinise the withdrawal agreement Bill, which will surely be a substantial document with profound constitutional consequences.

As the noble Lord, Lord Hannay, said, we are here on a Saturday not because of a real emergency but because of a manufactured one. Let the letter be sent as a sensible precaution, one that is also required by law, and the necessary consideration be given—speedily, but without cutting corners—to the agreement and the Bill.

I have a final point. If the withdrawal agreement is approved on this or some future date, let us all, whatever our views, resolve to accept it and make the best of it.

2.47 pm

Lord Lilley (Con): My Lords, I welcome this agreement and hope that it will be accepted by Parliament, even though it contains elements that I find very difficult to swallow. I want to address one specific criticism which has been made repeatedly of it: that it leads to a free trade agreement that is inferior to an agreement based on a customs union. All I would ask those who make that criticism is to explain why Switzerland and Norway, both of which have free trade agreements with the EU, are not pushing to convert them into customs unions, and why Canada and Mexico, which have free trade agreements with America, are not pushing to have them converted into customs unions. If the superiority of customs unions was as manifest as countless noble Lords have suggested today, surely there would be movements in those countries towards them.

I want to revert to a point made in what has been in many ways the most powerful speech in this debate so far, that of the noble and learned Lord, Lord Judge, at the beginning. He said that what is at stake is trust, and he is right. Can the people trust their parliamentarians and do parliamentarians trust the people? If we do not agree this deal today and postpone once again the decision with the clear intention of frustrating Brexit by a second referendum or by revocation, I fear that the answer to both of those questions must be no. If we forfeit the trust of the people because we do not, in Churchill’s words, “trust the people”, we will wreak terrible damage to the fabric of our body politic.

During the referendum, the leaders of both sides promised that they would implement the decision that Parliament had decided the British people should take. At the start, David Cameron said:

“When the British people speak, their voice will be respected, not ignored. If we vote to leave, then we will leave. There will not be another ... referendum”.

That is sort of a promise; enough mention was made of it throughout the campaign. Right at the end, on the night of the referendum itself, Paddy Ashdown said:

“I will forgive no one who does not accept the sovereign voice of the British people once it has spoken, whether it be by 1% or 20%”.

I wonder if he is turning in his grave when he sees the position adopted by his party now.

At the subsequent general election, both major parties promised to implement that decision, and 85% of MPs were elected on such a manifesto pledge. The three parties

[LORD LILLEY]

that did not make such an unequivocal pledge saw their share of the vote decline. I do not recall any of those who now say that the referendum was only advisory, can be revoked or should be subject to a second vote telling the electorate that during the referendum or the subsequent election.

It has been made clear that many simply do not trust the British people because they had the temerity to ignore the advice the elites, the great and the good gave them, and they reached the wrong decision in the referendum. As Bertolt Brecht put it, “the people had forfeited the confidence of the government and could win it back only by redoubled efforts”.

Those who call for a second referendum want them to redouble their efforts to understand the case they rejected before.

Arch-remainers criticise this agreement because it leaves the British people responsible through their elected representatives for deciding what, for example, our employment and environmental legislation should be. Apparently, they have greater faith in the European Parliament, institutions and peoples, which they believe either cannot or will not change what they think is the right form of legislation on these issues.

I simply cannot imagine that the British people would support anyone or any party proposing to make their jobs less secure or to desecrate our green and pleasant land. In areas in which Britain has been free to diverge from EU legislation, we have used that freedom to create a higher level of job security, less unemployment and more people in work than most continental countries. In practice, any divergence from the European Union will be not to reduce protections but to streamline regulation, make it less burdensome and avoid it becoming a barrier to entry or to innovation. We are more likely to legislate to achieve desirable outcomes and less likely to prescribe specific processes that, although intended to benefit workers and the environment, do not have those outcomes. That is the feature of much of European law. I am glad we will have the freedom to set our own regulations and tariffs if this agreement goes through.

2.52 pm

Baroness Bull (CB): My Lords, it has been a privilege to hear so many thoughtful speeches today, and I have—as the noble and learned Lord, Lord Judge, counselled—listened as well as heard. As a former professional dancer, I feel obliged to try to help the noble Lord, Lord Lansley, with his dance analogy, but I fear it may not be possible, without three legs, to do one step forward and two sideways without some element of double-crossing.

In our first take-note debate I gave my version of a speech, echoed by other noble Lords, noting that the UK’s future success, the viability of key business sectors and the livelihoods of the people they employ depended not on the bulky withdrawal agreement but on the series of “best endeavours”, “should” and “aim to” that punctuated the slimmer, non-binding political declaration. Some 10 months later, this pair of documents could well offer an apt political metaphor: the one in the background, despite having no legal status, is the one we need to pay attention to.

In comparing November’s political declaration with today’s, it would be easy to miss the differences. As the Institute for Government’s helpful explainer confirms, much remains the same. Both display the same lack of ambition on services, despite their contribution to the UK economy. Both promise to end freedom of movement, despite its importance to sectors such as health, social care, creative and cultural, and the obvious truth that closing the doors to our one country means shutting down for future generations the freedom to live and work in 27.

Mr Johnson’s deal is, for the most part, Mrs May’s deal. The noble Earl, Lord Kinnoull, from a position of expertise, confirmed that the substantive text is unchanged. It did not take long for social media to post its memes with the rueful observation, “We are all Theresa May now: an idea suggested by a woman is ignored, until it is proposed by a man”. I am aware that this comment may be fully appreciated only by noble Baronesses in your Lordships’ House.

But the differences are there. The aspiration is now for a free trade agreement, not frictionless trade. Gone is the ambition for a shared customs territory and close regulatory alignment to form “a bridge” to the long-term relationship. The intention for dialogue at “parliamentary level” on the direction of the future relationship is replaced with the weasel-wordy “at appropriate level”. Level playing field provisions are downgraded from the legal status of the withdrawal agreement to the non-binding political declaration.

With so much distrust built up over Brexit, it is hardly surprising that there is reluctance to trust areas like labour rights and consumer and environmental standards to a political declaration with no teeth; or to believe the Chancellor when he says that there is,

“no need for a new impact assessment”,

on this deal, because, in his words, November’s is “still out there” and,

“anyone can look it up”.

So, it is fortunate that the research unit, UK in a Changing Europe, has done the work to compare the potential economic impact of this deal with that of Theresa May’s. Under May’s deal, based on the reduction in trade alone, it predicts that income per capita would be 1.75% lower than under the status quo. The equivalent figure for the Johnson deal is 2.5%. Add in the knock-on effect of reduced trade on productivity and the per capita GDP figure reduces further, down 4.9% for May’s deal and 6.4% for Johnson’s. Take into account the negative impact of restricted migration on the economy, and the reduction could be up to 7% over 10 years.

I am aware that those are only predictions, but they are based on standard economic modelling and the best available information, and major industry sectors and trade bodies also believe that this deal is worse for the economy than the last one. So, I ask the Minister, is this a new deal, or is it not? If it is, where is the impact assessment and the time for proper scrutiny?

Today, the decision rightly rests with the other place, and its Members must use their best judgment to decide whether this deal serves the interests of the whole of the UK. I hope that they will not be influenced by the latest of what I have to admit are brilliantly judged slogans from Mr Johnson’s team. This generation

cannot sell out the next just because we have had enough. “Get Brexit Done” plays on the understandable fatigue of the public, but it rides on a false promise that it will all be over on 31 October. No: this is where the real work begins, to say nothing of the work involved in reuniting a nation split down the middle.

“Get Brexit Done” may be a neat slogan but, as with its predecessor, “Take Back Control”, the reality is not so simple. As Mario Cuomo memorably said:

“You campaign in poetry; you govern in prose”.

2.57 pm

Lord Lamont of Lerwick (Con): My Lords, like all politicians, I am used to my words becoming out of date extremely quickly, but I do not think that I have ever been in a situation quite as awkward as this. I gather that, if I can announce it to the House, the Letwin amendment has been carried, so I am not sure where we stand. I am sure that the Minister or the Leader of the House, when the throngs return from the theatre where it is really happening to this B-list theatre, will be able to understand the way forward. I will cut my remarks short because they are obviously less relevant.

The last time we spoke about Europe, noble Lords opposite, with some support from the Cross Benches, were absolutely convinced that the Prime Minister did not want a deal—the noble Lord, Lord Kerr, was of that opinion. They said, “This is all a pretence: they do not want a deal. What they are trying to do is provoke the EU in order to reject the deal”. Well, that at least is one conspiracy theory that has been proved totally wrong. The Prime Minister got a deal, proved everybody wrong and delivered what people regarded as undeliverable.

I personally would have voted for Theresa May’s deal, but in many ways this one is an improvement. The UK will be completely free in terms of an independent trade policy. The direction of travel towards a free trade agreement is much more explicit than in the previous deal.

I recognise that it is not a perfect deal, and I sympathise with and understand some of the disquiet that the DUP feels. However, my noble friend Lord Howell made a very important point early in the debate when he said that the protocol referring to Northern Ireland will not come into effect until the end of 2020—and, indeed, as the Prime Minister indicated, it is possible that it might never come into existence because it might be folded into the free trade agreement. There is also the point that Northern Ireland could stand to gain very much from being in the customs union of both the EU and the UK.

Given that the Letwin amendment has been carried, I am sure that we will have much more extensive debates. One of the themes that has been very persistent from the Opposition, and I am sure will be made more of today, is their worry about deregulation, which my noble friend Lord Lilley touched on. I confess that I am little puzzled that the Opposition and the noble Lord, Lord Kerr, are quite so anxious about this and talk all the time about Singapore-on-Thames. The Government have repeatedly said that they want to maintain the highest standards of employment rights and environmental regulation. Any Government wanting to get elected feels the weight of public opinion. I am

not a supporter of Singapore-on-Thames as a concept, but it beggars belief that anyone should believe that the whole corpus of millions of words in the *acquis communautaire* in Europe is incapable of alteration or improvement or that it is somehow not outdated or unnecessary. Having the freedom to choose whether to diverge or not to diverge is a logical consequence of Brexit. There is no logic to leaving the EU and being bound by laws that one does not have the freedom to alter.

One thing seems certain from the carrying of the Letwin amendment, which is that we will get more pressure on the issue of the second referendum, which has already been extensively canvassed in the debate today. Regardless of whether one favours leave or remain, I believe that a second referendum would be a profound mistake. We have been told again and again that we should not use the word “betrayal”, so I shall not, but it is difficult to know precisely what word one should use otherwise to describe the 17.4 million people who constituted the majority in a democratic vote in which they were told repeatedly that the decision would be made by them, not by Parliament and not by the Government. We all know that the second referendum device has been the tried-and-tested practice used by the EU to reverse the result of any referendum that went against integrationist treaties. We saw that in Ireland, Holland and Denmark. Mr Barroso famously remarked in 2005 that the people,

“must go on voting until they get it right”.

I am afraid that the word “confirmatory” does not alter the reality. It would be a terrible—the word I must not use—of the 17.4 million people.

One of the oddities of this debate has been how the remain side has concentrated entirely on economics. It has never mentioned the political direction in which Europe has been going. It was never mentioned in the referendum and has not been mentioned today. I wonder whether that side really believes that remainers knew what they might be voting for in the referendum. We have entered a new period of uncertainty with the Letwin amendment being carried. No doubt all sorts of amendments will be attempted. I hope that we will persist with this deal. I hope that we will see it through to the end. We need to end this uncertainty. It is time to settle what we thought we had settled three and a half years ago.

3.03 pm

Lord Wallace of Saltaire (LD): My Lords, the noble Lord, Lord Lamont, has just said that remainers do not admit that the EU is not just an economic project. The European Union has always been a political project. The memorandum presented to Harold Macmillan in 1961 made it very clear that it was in our political interests to join the European Economic Community and that the Washington Administration were strongly of the opinion that Britain should do so. In Sir Alec Douglas-Home’s speech moving the Second Reading of the European Union accession Bill, he also spelled out that there was a political dimension to it. It was never the case that we were never told that it was more than just a common market. This is a peace project. It is how we deal with our neighbours, and it is important that we do deal with our neighbours.

[LORD WALLACE OF SALTAIRE]

This has been a long debate. I have listened carefully but have found it extremely difficult to hear any positive arguments for the deal. The arguments are mainly of exhaustion—“let’s get Brexit done”—or that there is too much uncertainty and at least this will end it, or that at least it is better than no deal. Another argument is, “It’s not too damaging economically. Well, it’s a bit damaging but not as damaging as some of the economic forecasts have suggested”. So what are the Government promising us that we will gain in return for these economic costs, whether they are modest or severe?

Here, I fear that we enter a looking-glass world in which facts and evidence are turned on their head. I heard Jacob Rees-Mogg on the radio yesterday saying that leaving the EU with this deal will strengthen the UK. No one in this debate has agreed with that idiotic remark. Many of us are deeply concerned that this is the beginning of the break-up of the United Kingdom. It takes us towards the potential reunification of Ireland, and certainly it takes us further towards the independence of Scotland. As the son of a Scot and as someone who has a son currently living in Edinburgh, this is a matter of personal, as well as national, concern.

We are told that we will regain sovereignty over regulations and standards but it has not been explained why that is so important. We are also assured that we want not to lower any of the standards but to raise them. However, perhaps we want to raise them idiosyncratically so that we have different good ones compared with those of the European Union and America. Why that is so important, the Government have totally failed to explain.

The Prime Minister says in his Statement that,

“the greatest single restoration of national sovereignty in our parliamentary history”,

is part of the aim. I much prefer what was said by Geoffrey Howe—a man I much admired on the Conservative Benches—when he talked about the need for Britain to learn how to share sovereignty and how we would hold on to greater influence over our own affairs if we learned to share with our natural friends and partners. After all, we do not control our future prosperity. That lies in the hands of companies such as Hitachi, Nissan, Tata, Mercedes-Benz and Airbus, with their headquarters outside this country. When, and if, we leave the European Union, we will discover whether they are willing to stay committed to this country. If they move out and if foreign investment dries up, we will be in deep trouble and the economic assessments will prove to have been too modest in their gloom.

Then we are told that we can negotiate our own free trade agreements to our greater advantage. With whom? With India, China, Russia and the United States? Would the United States be more generous to the UK than it has been with the EU? That looks extremely unlikely. The world is at present moving away from free trade, as is the United States, and we in our turn are moving away from the world’s largest free trade bloc and single market.

Then we are told that leaving the EU will free us from bureaucracy. We have heard about the need to have new rules of origin, VAT receipts and refunds,

and customs checks. That is a substantial extra collection of bureaucracy on cross-border trade. The withdrawal agreement and the future framework talk about a Joint Committee with a range of specialised committees that will manage our new relationship. We will need very large numbers of extra officials to manage those, as well as doubling the staff in our bilateral embassies because we will no longer be able to negotiate multilaterally in Brussels.

I want to turn to the future framework. I strongly agree with the noble Lord, Lord Lansley, and the noble Baroness, Lady Bull, that there has been a remarkable lack of attention to this document, although it is extraordinarily important. The Prime Minister has offered us no coherent vision of the future relationship. Someone has to look at this to see where we are going. One hundred and forty-one paragraphs of the political declaration cover a very wide range of issues, including data protection; participation in European programmes on science and innovation, culture, youth exchanges and education development; the European Neighbourhood Policy; intellectual property; family law co-operation; transport; energy; fishing; global co-operation on climate change; sustainable development; health and epidemics; foreign policy, security and defence; the UK contribution to joint defence operations; intelligence exchanges; whether we have access to the European Union Satellite Centre; space co-operation, about which it says very little because we have not got very far; cybersecurity; illegal migration, counterterrorism; et cetera. That is all to be negotiated, ideally by December 2020. That is not going to be very easy, but it is at least the intention.

There have been references throughout the debate to our aim of negotiating a Canada-minus as our future relationship. Canada is 4,000 miles away from the European Union, and the European Union is not Canada’s major or dominant trading partner. Britain is much more like Switzerland, so we ought to look at the Swiss relationship with the European Union for the future. Switzerland is after all surrounded entirely by the EU. England is currently surrounded only on three sides by two sea borders and a land border with Ireland and, if and when Scotland joins, it will be surrounded on all sides by an EU border.

There is an uncomfortable dependence for Switzerland on the European Union, with freedom of movement a particularly delicate issue on which the Swiss have had a number of referendums but have still failed to agree on their full relationship with the European Union. There are 140 bilateral agreements between the European Union and Switzerland, negotiated with a good deal of pain and much effort over the years. For the last five years the two sides have been attempting to negotiate a wider framework agreement, which is not yet concluded. If we think we can negotiate a comparable framework agreement in 14 months, we are asking an awful lot and assuming that it is going to be much easier than for Switzerland. The Swiss have particular concerns over issues like pharmaceuticals and scientific collaboration, because they have some extremely good universities, and I am told that the European Union is already being more difficult with the Swiss because it recognises that the concessions that it gives to Switzerland will be concessions that the British will also ask for. So the

Swiss sit outside EU negotiations, struggling to modify their impact when they have already been agreed, and then accept that they cannot change them. That is the illusion of sovereignty and the reality of subordination.

I think we also recognise that we are facing a wider crisis of our political and constitutional system. The noble and learned Lord, Lord Judge, hinted at this. Major issues have come up in this debate in the last two years about the relationship between Parliament and government and between government and the law and the courts. We have a Government without a majority and an Opposition without a credible leader, so it is also a crisis of our two-party system. We have an entrenched two-party system in which, if the Government fail, a credible Opposition are supposed to be there to take over, unlike the situation that we have now.

The loss of popular trust in Parliament, the parties and the institutions is something that should concern us all very deeply. We have talked a bit about the crisis of the UK, with Scotland and Ireland potentially leaving. I also feel, as someone who lives in the north of England, that England would be left with its own internal crisis as the manufacturing north would suffer much more from its exclusion from the single market than the financial-services south, and the gaps in terms of regional and individual inequality would widen further.

I read an article two weeks ago that said we should not entirely forget the fate of Argentina, one of the world's most prosperous and rapidly growing countries in the early 20th century, which fell prey to populism, disintegrated economically and politically and has never recovered. That is an apocalyptic view of where England might end up, but we need to look very carefully at where we are going. The Prime Minister has not told us where we are going, because he does not think like that. He thinks about what we do tomorrow, not the week after.

This is not a good deal, but it is better than no deal. It may be time to reconsider as such. We need to think about resolving not just Brexit but the deep regional and social inequalities of our own union; about our constitutional framework and the weakening of it that we have seen over the last two years; and about the framework of our democracy and what we mean by democracy. We cannot begin to resolve these things without both an election and a confirmatory referendum.

3.15 pm

Baroness Hayter of Kentish Town (Lab): My Lords, we may not have had the excitement of the vote at the other end, but this debate has showcased this House at its very best in the quality of the speeches and the sheer scope and depth of experience. We heard from a trade union leader; a filmmaker; a former Lord Chancellor; a former Lord Chief Justice; permanent secretaries; journalists; three Earls, two Viscounts and a Duke; a plethora of senior politicians, including half a dozen former Conservative Cabinet Ministers; notable leaders from entertainment, charities and business; and a Bishop, academics and lawyers. They know of what they speak. They have tentacles into these worlds and a real grasp of the demands and working of the myriad services, industries and enterprises that create the wealth and well-being of this country.

What your Lordships have overwhelmingly said is that this deal is bad for the economy, bad for living standard, bad for citizens, consumers, and workers, bad for the environment, peace and security—and, crucially, bad for our union, the United Kingdom. It is notable that many of those arguing the contrary gave reasons such as, “It’s time”, “We need to get on with it” or “This has taken long enough”, or they spoke of “ending uncertainty” and “fatigue”. Hardly any said that it is a good deal.

The Government’s aim for our future is to end the level playing field and our close relationship with the EU. As my noble friend Lady Smith indicated, paragraph 25 of the original political declaration, which committed the UK to considering regulatory alignment with the EU, has simply disappeared. Similarly, legally binding commitments, including the non-regression clauses, have been erased from the withdrawal agreement, along with the other items outlined by my noble friend Lord Liddle.

It is clear that this new, “true blue” deal is all about deregulation. That is presumably why the ERG is now supportive, as my noble friend Lord Whitty suggested. Business has never called for deregulation; most industries want a level playing field, otherwise they themselves can be undercut by cheap competitors either here or elsewhere in the world. The undercutting is always about standards and quality, paid for by consumers, employees or the environment that we leave for our children.

We should heed the warning from the Food and Drink Federation that this deal is,

“a backward step in terms of ... frictionless trade with the EU. It also sets us on course for regulatory divergence from our largest overseas market on ... food safety ... and quality”, which will,

“increase costs for businesses and consumers”.

No business wants more red tape, which rules of origin mandate. Indeed, I am afraid it is more like purple tape, with the blood and sweat that tend to go into complying with those requirements, even assuming their particular components meet the 51% rule.

We also do not want deals that not only sell our workers or consumers short but fail to promote human rights in other countries. The noble and right reverend Lord, Lord Harries of Pentregarth, spoke of this a few days ago, and warned us not to forget it,

“in the rush to make new trade agreements”—[*Official Report*, 3/10/19; col. 1869.]

This is not a people’s deal. With the end of free movement, we lose some long-established rights. The unenforceable political declaration talks about,

“visa-free travel for short-term visits”,

but obviously not to work or to stay. It says only that it will “explore the possibility” of facilitating cross-border travel, while consideration will be given to addressing car travel across borders—presumably a reference to whether our driving licences will be valid. Meanwhile, for separated families there is only the promise to “explore” possible judicial co-operation over matrimonial and parental responsibility matters.

Crucially, even the positive aspirations in the political declaration are non-enforceable. Indeed, perhaps they are not meant to be enforced, with John Baron MP, having been reassured that if the trade deals are not

[BARONESS HAYTER OF KENTISH TOWN]
 successful by December 2020 we could leave on no-deal terms. Those extreme Brexiteers might still get their way, unless we include our aspirations for the future relationship as binding commitments in the withdrawal agreement Bill—effectively, the negotiating mandate or the objectives for the talks along the lines suggested by the noble Lord, Lord Lansley.

We cannot support this deal, with its lack of guarantees, absence of an economic impact assessment, inadequate time to scrutinise, undermining of the UK's single market by having differential VAT and tariffs between Northern Ireland and the rest of our single market, and its agenda for deregulation and the loss of rights and protections. But there are other questions that must be answered about its ratification under the CRaG Act by 31 October. Indeed, that itself is a manufactured date linked to the Prime Minister's political credibility and his election plans, rather than for the good of the country. But perhaps now that the Letwin amendment has been passed, it might give us a breathing space to at least do some of the due diligence for which your Lordships' House is so renowned.

Even if agreed, the deal would have only a really short transition period—14 rather than 24 months in which to negotiate the future relationship, which, I am told, takes years not months, and then to give ports, businesses, retailers, suppliers, HMRC, citizens, farmers and everyone else time to implement whatever new agreement is made. Although I have to say, given the Government's disastrous record in reaching agreements, they will probably forget that others need time to then make the necessary adjustments.

Who knows how the withdrawal deal will be overseen via the Joint Committee, or how its appeal system will work? These questions have been posed by my noble and learned friend Lord Goldsmith and by the EU Committee, as raised by the noble Earl, Lord Kinnoull, today—unanswered at the time and since, yet vital for the role of Parliament on this and on any trade deal.

The costs of withdrawal are high and serious, making, "the country substantially poorer than it would otherwise be", and, as yesterday's *FT* said, with, "immense... constitutional implications", which:

"In any normally functioning democracy ... would be subject to extensive parliamentary scrutiny—if not a confirmatory vote by the ... public".

There are at this moment tens of thousands of people outside here demanding such a confirmatory vote.

Jacob Rees-Mogg described the referendum as a "joyful decision". Perhaps it was, for those with money, savings, an expensive education and the financial resilience to weather short-term storms. But for those whose jobs are on the line, those in Northern Ireland who will see a dotted line between them and Great Britain, consumers offered lower-quality goods with reduced redress when things go wrong or dearer food for their growing families, and manufacturers coping with expensive component imports, tariffs on their exported goods and complicated rules of origin procedures, this might not feel like a joyful decision.

The huge decision today is not ours to take. It is, rightly, for the Commons, rather than the Government, and for MPs who represent their constituents and who

are answerable through the ballot box. However, the real decision—should the Commons vote yes—should be for every elector, for it is not MPs but they who must live with that final decision, and so they should take responsibility for it. Nothing will quickly heal the division that Brexit has brought to our nation, but a parliamentary decision to sear our relations with the EU in such a way as that proposed in this deal would certainly not heal the division.

We believe that this proposal has fatal flaws, and that we should have the opportunity to take that view to the people, for them to decide whether it is worth the risk to all of our futures, especially for those generations still too young to vote.

3.25 pm

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): My Lords, it is a great pleasure to close this historic debate on behalf of the Government. Before I get on with the main content, it is important to say that, as my noble friend Lord Lamont announced in his speech, the House of Commons has passed the Letwin amendment. Following the vote, the Prime Minister addressed the other place. For the benefit of noble Lords who may not have heard him, he said that the best thing for Britain and Europe is for us to leave with this new deal on 31 October. He went on to say that he will not negotiate a delay with the EU and neither does the law compel him to do so. The Prime Minister will tell the EU and member states exactly what he has told everyone for his 88 days as Prime Minister: further delay would be bad for this country, for the EU and for democracy. Next week, the Government will introduce the legislation needed for us to leave the EU with our new deal on 31 October. The Prime Minister—

Lord Reid of Cardowan: My Lords—

Lord Callanan: I will complete my remarks, then I will take an intervention. The Prime Minister said that he hopes our European colleagues will reject delay and, if they do, that honourable Members will change their minds and support this new deal in overwhelming numbers.

Lord Reid of Cardowan: I am grateful to the Minister. I followed his words carefully. The Prime Minister has said that he will not "negotiate" a delay with the European Union. Can the Minister tell us whether the Prime Minister will send a letter requesting an extension, as he is obliged to do by law?

Lord Callanan: As I have said a number of times, to the boredom of noble Lords, we will of course abide by the law. The requirement—

Lord Oates: My Lords—

Lord Callanan: Can noble Lords have a little patience? I have not completed my remarks yet. We will comply with the requirements of Section 1(4) of the Benn Act to the letter. Does that answer the noble Lord's question?

Lord Oates: Yes.

Lord Callanan: Okay. The number of Peers who have contributed to this debate, on a Saturday—

Lord Pannick: As to the letter, does the Minister mean that, by midnight, the Prime Minister will send the letter as listed in the Benn Act in the terms set out in the Schedule?

Lord Callanan: I mean what I said. I want to go no further than that.

Noble Lords: Oh!

Lord Callanan: The requirements of Section 1(4) of the Benn Act will be complied with to the letter. I am not going to take any more interventions from the noble Lord on this subject. I have addressed it many times. No matter how many times noble Lords ask me the same question, they will get the same reply, so I am not sure that there is much to be gained by carrying on.

Baroness Hayter of Kentish Town: Is the Minister going on to say what will happen in the Commons on Monday and whether the meaningful vote is due to be put there again on Monday?

Lord Callanan: It is a fast-moving situation. Seriously, I have been trying to conclude my remarks while listening to what noble Lords have been saying and trying to get updates on what is happening in another place as well. I believe that the leader of the House of Commons has addressed this matter but I do not want to say for certain. The noble Baroness, Lady Smith, is looking at her mobile and she might have more up-to-date information than I have.

Baroness Hayter of Kentish Town: We understand that it might be on Monday, but I think that the letter will therefore already have arrived in Brussels by the time the meaningful vote is taken on Monday.

Lord Callanan: I will take the noble Baroness's word for that. I have not been updated on what has happened in another place. If noble Lords will permit me, I will go on to the main thrust of my remarks.

I reassure my noble friend Lord Bowness that all the legally required documents were laid in the paper office and that additional copies are available on GOV.UK. I hope that resolves his queries.

Lord Bowness: I am grateful to my noble friend for referring to that point but will he acknowledge that there are other documents to which I referred, which might well have been helpful and are in fact government papers?

Lord Callanan: I think it best if we have a conversation outside the Chamber on which different documents my noble friend is referring to.

For more than three years, this House has examined Brexit in great detail, as correctly observed by the noble and learned Lord, Lord Judge, in his excellent speech. I pay tribute to the work of noble Lords and the many committees of this House which have looked at the EU withdrawal process. I will do my best to address as many of the points raised today as possible.

The deal before us today is a deal which ensures that we take back control. Along with my noble friends Lord Baker and Lord Howard, and the noble Earl, Lord Listowel, I commend my right honourable friend the Prime Minister on securing it. This is a good deal. It ensures that we take back control of our laws, our borders, our money, farming and fishing policies and trade without disruption. It also provides the basis of a new relationship with the EU, based on free trade and friendly co-operation. I completely agree with my noble friends Lord Shinkwin, Lord Caithness, Lady Pidding and Lady Noakes that we now need certainty and no delay. As the good people of Northampton told my noble friend Lord Naseby, we should get on with it.

My noble friend Lady Harding was completely correct when she said that leadership is about making decisions and getting things done. As my noble friend Lord Mancroft also correctly highlighted, this is the deal that many said was not possible nor desired. Indeed, the noble Baroness, Lady Hayter, told us only last week,

“there is no desire for a deal. It is all a ruse”.—[*Official Report*, 08/10/19; col. 2009.]

Yet here we are with a deal, only 87 days after the Prime Minister took office.

Many noble Lords, including the noble Lords, Lord Newby, and my noble friend Lord Howell, spoke about what this deal means for the island of Ireland. The old deal was rejected because it tied us to a divisive and undemocratic backstop; indeed, in the many debates we have had I recall that many noble Lords' criticisms of it centred precisely on those issues. That backstop, included in the previous Ireland-Northern Ireland protocol, kept the whole of the United Kingdom in a single customs territory with the EU. This would have required the UK to continue to align with EU tariff rates, therefore the UK would not have had a fully independent trade policy. This would have prevented us securing new trade deals with the rest of the world. The new deal abolishes the backstop entirely.

The provisions in the new protocol ensure that an open border is maintained on the island of Ireland and, most importantly, it upholds the Belfast agreement. Northern Ireland will have access to the single market but also be part of new UK trade deals, which we intend to negotiate around the world. Crucially, these arrangements will be dependent on the consent of those affected by it: the people of Northern Ireland themselves. In our view, this is essential to the acceptability of arrangements under which part of the UK accepts the rules of a different market.

Lord Purvis of Tweed: With regard to part of the United Kingdom now having to comply with rules made by a foreign entity, what representation will those people have over those rules?

Lord Callanan: Of course they will not have direct representation, which is why we want to see that there is ongoing democratic consent to these arrangements from representatives of the people of Northern Ireland.

The noble Baroness, Lady Ludford, raised the issue of customs. Before I address her point, I am sure that noble Lords will want to join me in saying how good it is to see her back in her place. We will leave the EU customs union as one United Kingdom. The UK will be a single customs territory, with control over our independent trade policy. The new protocol also explicitly sets out that Northern Ireland is in the United Kingdom's customs territory. The EU's administrative customs procedures will apply in Northern Ireland, in order to make sure that goods destined for the EU comply with the correct process. No tariffs will be payable on goods moving from Great Britain to Northern Ireland unless those goods are at risk of moving on to the EU. The noble Baroness, Lady Ludford, asked me about compatibility under Section 55 of the Taxation (Cross-border Trade) Act 2018. Section 55 is not a barrier to the withdrawal agreement. The agreement is clear that Northern Ireland is, and will remain, part of the UK's customs territory.

The noble Lord, Lord Liddle, raised the issue of regulatory alignment. The new protocol establishes a single regulatory zone on the island of Ireland. This involves Northern Ireland aligning with a limited number of specific EU regulations. The UK Government will always be committed to protecting Northern Ireland's position in the UK's internal market. The new protocol explicitly enables the United Kingdom to maintain the guarantee that businesses and farmers in Northern Ireland will continue to have unfettered access to the rest of the UK market—which is something I am sure noble Lords will welcome.

Looking ahead, we have also negotiated and agreed changes to the political declaration, as noted by many noble Lords, including the noble Lord, Lord Birt. This will provide a framework for an ambitious future relationship with the European Union. We have removed all references to the backstop from this political declaration while setting out our clear intention to pursue a future relationship with a comprehensive and balanced free trade agreement at its core, alongside agreements on security and wider areas of co-operation. It ensures that the United Kingdom will take control of its own regulatory affairs. Our commitments to the level playing field will be commensurate with the scope and depth of the future relationship. This will prevent unfair competitive advantages and uphold the current high standards in areas such as employment and environmental standards.

Lord Liddle: My Lords—

Lord Callanan: I think I am about to predict what the noble Lord is going to ask me, if he will just be patient.

A number of noble Lords, including the noble Lords, Lord Kerslake and Lord Foulkes, the noble Viscount, Lord Chandos, and the noble Baroness, Lady Smith, raised the issue of workers' rights. The UK has a long and proud tradition of leading the way in workers'

rights, where we have always set a high standard. We recognise that Parliament wants to see these hard-won rights protected and not weakened by our departure from the EU, and we are happy to ensure that this is the case. Both the public and parliamentarians should be in no doubt that, as we leave the EU, we will maintain and increase these protections via both the withdrawal agreement and future legislation. As the Prime Minister set out in the other place earlier, we will bring forward measures to protect workers' rights in the withdrawal agreement Bill. If I have not addressed the noble Lord's point, I will take his intervention.

Lord Liddle: I am very grateful to the Minister for giving way. In addition to the point about workers' rights, my intervention was to ask the Minister whether he will put in the Library a letter that explains to Members of this House, in very clear terms, the difference, in terms of the economy and free trade objectives, between Mrs May's political declaration and the current one. As I pointed out, I think some of them will have a significant economic impact, and it is the duty of the Government to explain to Members of this House what those differences are.

Lord Callanan: I will certainly write to the noble Lord outlining the changes to the political declaration and place a copy in the Library for other Members.

We will also be working hard to secure trade deals with other international partners. Let me reassure the noble Lord, Lord Rooker, that while we explore these new trading opportunities, we will not dilute the standards for which British products are world renowned—and, as the Prime Minister has made clear on many occasions, nor will our NHS be on the table in those negotiations.

The political declaration also provides for a security relationship that will enable the UK and the EU jointly to combat the shared threats faced by our citizens, domestically and abroad. This revised deal further makes it clear that participation in defence co-operation will always be the sovereign choice of the United Kingdom.

Of course, this deal does not consist just of these changes. We are offering a deal that not only removes the anti-democratic backstop but, more broadly, maintains our strong commitment to citizens' rights and to a transition period, which gives welcome stability to businesses both in the UK and the EU, and also lays the foundations for us to commence negotiations for an ambitious future relationship. Noble Lords will have noticed, I am sure, that Article 184 of the withdrawal agreement requires both sides to use best endeavours to get this legal text agreed and implemented by the end of 2020. Both sides are committed to making preparations for an immediate start to the formal negotiations and to approach these in good faith. Noble Lords should know—I think I outlined it last week—that we are preparing for these negotiations and we will work with Parliament as well as a wide range of partners, including, of course, in the devolved Administrations, to ensure a successful outcome that delivers in the interests of all parts of our United Kingdom.

The noble Earl, Lord Kinnoull, asked about the Government's approach to the Joint Committee. I can confirm that it will be underpinned by full ministerial accountability to Parliament, and that the Government will continue to discuss with Parliament and its committees the appropriate ways to achieve this.

It is late on a Saturday afternoon and I will not seek to detain the House any further. We have heard many diverse views on the deal. I thank all noble Lords for their contributions. I also pay tribute to the House authorities, officials and my private office for making preparations so that we were all able to sit today. The deal that we have debated is one that will deliver the result of the 2016 referendum and ensure that we can leave the European Union on 31 October in an orderly and friendly way. The deal honours the territorial sovereignty of the United Kingdom; it ensures that the future of Northern Ireland will be decided by the people of Northern Ireland; it provides the foundations for an ambitious relationship with the EU founded on a comprehensive and balanced free trade arrangement; and it allows us to get Brexit done and leave the EU in

two weeks' time. In doing so, we can focus on the people's priorities, so that the country can come together. I commend this deal to the House.

Motion agreed.

Brexit

Motion to Take Note

3.43 pm

Tabled by Lord Callanan

That, for the purposes of section 1(2)(b) of the European Union (Withdrawal) (No. 2) Act 2019, this House takes note of the statement laid before the House on Saturday 19 October titled "Statement that the United Kingdom is to leave the European Union without an agreement having been reached under Article 50(2) of the Treaty on European Union".

Motion not moved.

House adjourned at 3.43 pm.

Volume 800
No. 5

Saturday
19 October 2019

CONTENTS

Saturday 19 October 2019
