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The House met at half-past Nine o'clock

PRAYERS

[Mr Speaker *in the Chair*]

Mr David Nuttall (Bury North) (Con): I beg to move, That the House sit in private.

Question put forthwith (Standing Order No. 163), and negatived.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): On a point of order, Mr Speaker. In Treasury questions on Tuesday, in response to a question from my hon. Friend the Member for Dewsbury (Paula Sherriff), the Chancellor of the Exchequer cited the recent report by the Public Accounts Committee on corporate tax as having given Her Majesty's Revenue and Customs a "clean bill of health" with regard to the tax settlement with Google. That is, in fact, wrong. I could not believe it at the time, because I could not believe that the Chancellor could have made such a mistake, but I have checked the record. In contrast to what the Chancellor said, the Committee raised a number of concerns about the settlement and said that we could not conclude whether it was a fair deal. It was a "don't know", rather than a clean bill of health.

I am concerned that a senior Cabinet Minister could have cited a cross-party report of a Committee of this House so wrongly. I seek your advice, Mr Speaker, on how to make sure that this sort of thing does not happen again.

Mr Speaker: Preventing recurrence is very difficult in the House of Commons, and I am not sure that the Chair, any more than anyone else, can commit to that. The hon. Lady has taken the opportunity to correct the record from her vantage point and that of the Committee which she chairs. That fact will be communicated to the Chancellor of the Exchequer, and it is for him to decide whether, in the circumstances, he wishes to say anything on the matter. If he does, so be it. If he does not, knowing the hon. Lady as I do, I have a sense that she will use the resources available to her to draw attention to the matter.

House of Commons Members' Fund (No. 2) Bill

Bill, as amended in the Public Bill Committee, considered.

Third Reading

9.36 am

Sir Paul Beresford (Mole Valley) (Con): I beg to move, That the Bill be now read the Third time.

This is a little Bill—actually, it is a little littler than when it went into Committee—that will amend provisions for the House of Commons Members' Fund. I extend my thanks to the numerous hon. Members, especially the trustees, and the Minister, who have supported the Bill through its various stages. I also thank the various officials who have supported it, including the actuary who helped my hon. Friend the Member for Christchurch (Mr Chope) and me to enable a distinct change to be made that will free the fund from the Treasury or, to put it another way, free the Treasury from the fund.

I suspect that few Members who are not trustees will be aware of the fund, apart from through the note about a small deduction on their monthly payslip from the Independent Parliamentary Standards Authority. The fund was established before the second world war, when there was no parliamentary pension to help former Members who had fallen into financial difficulties. It was used to top up pensions for the widows of Members who had left the House when widows received a lower entitlement, and has been used for a few isolated cases of hardship among former Members.

As the House will recognise from that description, as time has passed, the demand has dropped. In the last financial year the payments worked out at £137,000, but over the years the fund has grown to a considerable sum of approximately £6.5 million. At present, the fund is drawn from compulsory contributions from Members, earnings from its investments and an annual contribution from the Treasury of £215,000.

Thanks to my hon. Friend the Member for Christchurch, the Treasury contribution will cease. That follows a suggestion that he made to that end. An actuarial estimate of the fund was undertaken, and hence his amendments were accepted in Committee. They will remove the requirement for the Treasury to donate to the fund.

The Bill will remove the requirement under the existing primary legislation for Members to make monthly contributions of £2. In effect, the trustees will be empowered to cease deducting contributions. Given the figures I have just stated, I suspect that they intend to do so immediately following Royal Assent, since the fund has, to put it simply, a considerable surplus. However, the Bill enables the trustees to recommend the resumption of contributions, if it is needed, up to a maximum of 0.2% of pay. The trustees may, if they wish, return any surplus funds to the Treasury. The trustees have requested that discretion.

The Bill will permit the acceptance of bequests and allow the trustees to make arrangements under which a commercial institution would undertake the commitments and/or liabilities of the fund. The Bill will extend the class of beneficiaries to all dependants of former Members who experience severe hardship.

[Sir Paul Beresford]

The Bill will also remove the requirement for trustees to be current MPs. I am sure the House will agree that it seems sensible for the trustees to ask, for example, the Association of Former Members of Parliament to nominate one trustee. In addition, this provision will enable the trustees to get over the problem that arises when a number of Members who are trustees lose or vacate their seats at a general election. The Bill will allow such former MPs to remain as trustees temporarily, until they are replaced formally.

As I have said, this is a little Bill that tidies up the arrangements for the trustees in today's world. I commend it to the House.

9.39 am

Mr Christopher Chope (Christchurch) (Con): I thank my hon. Friend for his generous comments and for accepting the amendments that I tabled in Committee. Often, one can make only modest achievements in this House, but if this Bill has saved £250,000 of Treasury money and will in future enable Members not to have to pay £2 a month, that will put into perspective the contribution made by my hon. Friend in promoting this Bill and including the necessary amendments. I hope that it will continue its passage without further ado.

9.40 am

The Minister for Civil Society (Mr Rob Wilson): I know that my hon. Friend the Member for Mole Valley (Sir Paul Beresford) appreciates expediency in these proceedings, so I will keep my comments fairly brief. I congratulate him on promoting this Bill. It was introduced as a 10-minute rule Bill—

Mr Speaker: Order. I would not wish to misunderstand the Minister. Was "expedition" the word for which he was looking?

Mr Wilson: No, it was "expediency". I am used to having my grammar and English corrected, so I will take that as another correction.

This Bill was introduced by a 10-minute rule on 4 November. My hon. Friend the Member for Mole Valley made the point that it is not a Government Bill nor a Government handout Bill; it is a minor House of Commons management Bill. However, I am pleased to support it. The Bill is not new; two similar private Members' Bills in the last Parliament fell owing to lack of time.

The Bill received its Second Reading on 29 January, and I pay tribute to my right hon. Friend the Member for Hitchin and Harpenden (Mr Lilley) for the huge amount of work that he put in to get it to a point where it could enjoy majority support in this House and the other place, and for his open approach to dealing with all stakeholders who have an interest in it. His work has been continued in this Parliament by my hon. Friend the Member for Mole Valley. The Bill will modernise the House of Commons Members' Fund which is governed by legislation dating back to 1939. It will remove unnecessary and outdated costs, and move towards a more efficient system, which we support. Importantly, it will enable us to return approximately £2 million that is not needed as part of the fund to the Treasury.

The existing legislation is outdated, incomprehensible and rigid, and it imposes unnecessary costs. Reform will simplify and clarify the legislation, streamline administration, reduce costs, and allow the fund to be self-sufficient. The new legislation will reflect the changed and smaller demands on the fund given the dwindling number of dependants of Members who left the House before MPs' pensions were introduced. It will also permit trustees to suspend compulsory deductions from Members' pay that are no longer needed. It is the trustees' intention to do that immediately, and the Bill's changes to legislation allow them to so.

The Bill will remove the need for an annual contribution from the Exchequer while leaving sufficient funds to finance help to former Members and their dependants in future years. The fund was established under the House of Commons Members' Fund Act 1939, predating the pension scheme for MPs that was established in 1964. Its original purpose was to provide former Members, their widows or widowers and orphan children, with a discretionary grant in lieu of a pension. Further Acts were passed in 1948, 1981 and 1991 to allow former Members and their dependants to apply for assistance, particularly in financial hardship. Those amendments also broadened the class of beneficiaries, granted wide powers of discretion to trustees, and established periodic payments to specific classes of beneficiaries. As a consequence, provision was made in 1981 for the fund to be supplemented by a higher annual Exchequer contribution.

The House of Commons Members' Fund was established when there was no parliamentary pension, to help former Members and their dependants who had financial difficulties. Only 12 of those beneficiaries remain. In addition, the fund makes payments to top-up pensions for widows of Members up to five-eighths of their spouse's pension for those who left the House when widows received a lower pension entitlement. There are 27 people in that category today. Numbers of beneficiaries in those two categories are decreasing.

The largest category of former Members and their dependants for whom there is likely to remain an ongoing need are those who left the House more recently and have fallen into need because of sickness, disability, or inability to return to work after losing their seat. A small number of such cases occur each year. The fund is able to award one-off grants or ongoing help on a discretionary basis. A report on the fund was sponsored jointly by the Members Estimate Audit Committee and the trustees in 2006-07. Both bodies shared a concern about the complexity of the fund's governing legislation and consequential financial arrangements. A final report was produced by John Stoker and Lord Burnett in April 2007, outlining their recommendations for the fund.

The main recommendations were that the fund be divided into two distinct functions: first to provide a benevolent function—the payment of one-off hardship grants—and that function would be overseen by the trustees, with assets sufficient to meet likely future hardship payments; and, secondly to meet annual "as of rights" payments. The balance of the fund not required to finance the benevolent function would be repatriated. In practice, the Treasury, the House, or some other body would have to take responsibility for the payment function. In addition, the annual Exchequer grant of £215,000 would no longer be paid into the fund.

Following the review, the Members Estimate Committee considered the recommendations at its meeting in November 2007 and endorsed the report. During discussions that took place after the MEC meeting with the officials of the Leader of the House, a number of obstacles were identified. In particular, there were problems identifying a suitable Department to take on the annual regular grants to enable the fund's two functions to be separated, to ensure that no further Treasury contributions would be taken and to return excess funds to the Treasury. Legislation is required to split the fund's functions. The Leader of the House and the trustees have explored restructuring the fund through new primary legislation, but it has been difficult to find Government time for a stand-alone Bill. Until now there has been no opportunity to change the legislation.

Despite general agreement by all parties that the fund should be restructured, in the absence of new legislation the trustees have continued to administer the fund in its existing form. However, the trustees agreed that they would draw a lower annual Treasury contribution to cover the regular annual grants only. From 1 October 2011, £148,000 was drawn, rather than the maximum of £215,000, and from 1 January 2015 the trustees ceased the draw-down altogether. Once the legislation governing the fund has been reformed, the trustees intend to return £2 million to the Treasury, and there will be no provision for an annual Exchequer contribution to the fund.

Since the review in 2007, the trustees have explored a number of avenues to change the fund's governing legislation. That has included attempts to obtain time on the Floor of the House for a stand-alone Bill, and using other legislative vehicles to make changes, such as the Public Service Pensions Bill and the Finance Bill. The trustees have decided to pursue a private Member's Bill, with Government support.

The changes proposed are largely technical and will simplify the fund and the associated administrative burden. Those changes will make the fund easier to administer, and allow trustees to spend time on the main thrust of the fund, which is to assist former Members and their dependants in financial need. There is nothing more for me to say, other than that I wish this short and effective Bill swift progress through the Lords.

9.48 am

Neil Coyle (Bermondsey and Old Southwark) (Lab): I join this debate as parliamentary private secretary to the shadow Leader of the House. I am less familiar with the history of the fund than the hon. Member for Mole Valley (Sir Paul Beresford), who has done so much to promote this Bill. The shadow Leader of the House is in his constituency in Wales, and the shadow Deputy Leader of the House is in Great Grimsby, and they are working hard for their constituents. They have provided me with the opportunity and pleasure to speak for my party from the Front Bench for the first time, in what has been an exciting parliamentary week for me and included my first question to the Prime Minister. For a relative newbie, it has been a busy week. I hope it is not too long before I get the chance to speak for my party from the Government Front Bench.

In Committee, my shadow Front-Bench colleagues made it clear that Her Majesty's Opposition have no objections to the aims and principles behind the Bill. The contributory nature of the fund is very welcome, as is the desire to enhance the scheme's flexibility. I would like to take this opportunity to echo the thanks of the shadow Deputy Leader of the House, my hon. Friend the Member for Great Grimsby (Melanie Onn), and the thanks of other Members, to the trustees for their administration and management of the fund. I welcome the chance to expand the pool of expertise the trust can call on, including from former Members or another representative of potential beneficiaries.

The shadow Deputy Leader of the House and other colleagues raised several concerns and sought clarification on a number of issues that went unanswered or have been left unaddressed. The issues raised included the fund's future accountability and the potential to amalgamate the administration of Members' funds. Given the constituency of the shadow Deputy Leader of the House—the world's largest fishing port no less—I promised to do my best to weave in a fish or seafood pun or two, so here goes nothing.

Despite my hon. Friend's best efforts to "winkle" information out of the hon. Member for Mole Valley and Ministers, the Government appeared to "clam" up in Committee and were prepared to "skate" over some the issues involved. We will not stand for it. We have had enough of Ministers who refuse to answer questions in this "plaice". [*Interruption.*] The money involved here is not tiny. The "tuna several million squid"—I do apologise—is involved; according to the House of Commons Library briefing, some £7 million. Members deserve appropriate answers, given the sum of money involved.

Our role in opposition is to hold the Government to account and to scrutinise them as effectively as possible however much they try to undermine our ability to do so, for example through the plans to reduce Short money. Some improvements have been made, as Members have had time to "mullet" over further. However, no answer has yet been provided on the amalgamation issue, which has now simply been removed from the face of the Bill. This is a "red herring" to distract those who recognised the benefit of a potential merger and were willing to explore the option at a later stage. I hope answers will be provided today in respect of the dogged pursuit of the issue in Committee by my right hon. Friend the Member for Newcastle upon Tyne East (Mr Brown) and my hon. Friend the Member for Sheffield South East (Mr Betts). The latter has expressed concern that the Bill could represent a missed opportunity if the issue is now lost or ignored. The Deputy Leader of the House of Commons would not explain the Government's position or thinking on this issue in Committee. Perhaps the Cabinet Office Minister will be more forthcoming.

There are three remaining areas of concern, focused on the accountability of the fund as it moves forward: on transparency, it would be useful to know more about how accessible information will be on the fund's more flexible use and investments; on monitoring, it would be helpful to indicate how the fund's use, especially any new uses, will be able to be scrutinised and inspected, and who by; and, on reporting, a little more information on how often reports will be provided, how they will be lodged and whether there will be any ability for Members to query reports, would be very welcome. I hope the hon. Member for Mole Valley and Ministers will throw some light on these issues, but I conclude by stating that

[Neil Coyle]

Opposition Members do recognise the length of time it has taken to get to this point and the potential of the Bill to move things forward. I hope we see progress today.

9.52 am

Mr David Nuttall (Bury North) (Con): I, too, want to congratulate my hon. Friend the Member for Mole Valley (Sir Paul Beresford) on bringing the Bill before the House. Conscious as I am of the fact that driving instructors all over the country will be waiting for us to move on to the next business, I just want to make one short point that I am sure will be entirely pun-free.

It occurs to me that the setting up and establishment of the fund was an early example of what may be described in modern parlance as the big society: people taking care of their own without being forced to do so. Members have the privilege of being able to pass legislation, but it was essentially a voluntary act by Members to look after their own. As has been said, the fund has been taken over by events. With the advent of parliamentary pensions, it has largely fallen into disuse. Nevertheless, I am sure Members on both sides of the House will be glad of the extra £24 a year and I am sure the Chancellor of the Exchequer will be glad of the extra couple of million pounds being returned to the Treasury coffers.

I wish the Bill well this morning and in the other place.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Driving Instructors (Registration) Bill

Bill, not amended in the Public Bill Committee, considered.

Third Reading

9.54 am

Sir David Amess (Southend West) (Con): I beg to move, that the Bill be now read the Third time.

I wish to thank hon. Members for their support for this measure. Indeed, in Committee such was the enthusiasm of colleagues that some who turned up were not even members of the Committee. I am very grateful to all those who did turn up.

In early January this year, I received an email from a constituent of mine who runs a driving school that employs about 200 drivers. He was concerned that his business and his customers were suffering from a lack of qualified driving instructors. I agree with my constituent, although I have to say that I have now received a few letters and emails from people throughout the country telling me that there is an excess of driving instructors. Perhaps we will not delay the House with that argument, because it does not relate to the core of the Bill.

Mr David Nuttall (Bury North) (Con): Is my hon. Friend able to give some idea of how many driving instructors will be able to benefit from the measures in the Bill?

Sir David Amess: I am happy to write to my hon. Friend to give him the precise details. Suffice it to say, it is a considerable number.

My constituent felt that this was a nationwide problem and asked if it would be possible to make the process of requalifying simpler for instructors who had, for whatever reason, been forced to take a break from instructing. He told me that many instructors who had left the register of qualified instructors for medical reasons—maternity leave, or to help care for a sick or elderly relative—found the process of requalifying too costly and time consuming to make it an attractive prospect. I imagine there can be occasions where driving instruction is rather stressful given some of the people they are trying to instruct, but it is not a physically taxing profession and it has great appeal to more mature, experienced instructors who can continue to instruct at the highest level for many years. I hope the Bill will go some way towards addressing my constituent's concerns and assist many experienced instructors, who have much to give back to the profession, to return to the industry.

The Bill ensures that approved driving instructors are allowed re-entry to the register under a simplified procedure if they apply within four years of leaving by undergoing a standards check that is quite rigorous. For clarification, driving instructors are registered for four years. During that four-year period, they must successfully pass a standards check that assesses their continued ability to provide instruction during their registration period. This is known as a "continued ability and fitness check".

Mrs Sheryll Murray (South East Cornwall) (Con): Can my hon. Friend confirm that the Bill will not do anything to weaken the rigorous standards we have for driving instructors?

Sir David Amess: I can absolutely confirm that to my hon. Friend. Indeed, I was challenged on that point in Committee. It will not diminish in any sense the very high standards we rightly require for those who instruct people how to drive.

If they pass the check, their registration can be extended for another four years. If they fail the check they are usually allowed another go, but they will be removed from the register if they do not pass. An instructor can also be removed for disciplinary reasons, for example for refusing to undergo a standards check, or for conduct or health reasons that mean they may not be fit to deliver instruction.

The Bill allows a driving instructor to request voluntary removal from the register and to return at a later date under the simplified process. As reported in Committee, last year more than 600 ADIs asked to be removed from the register, something most people would assume is a straightforward task. However, those ADIs were not allowed to be removed voluntarily. They had to be removed for disciplinary reasons by refusing a standards check, or they had to undergo a check and then let their registration expire at the end of the four-year period.

The reasons for ADIs wanting to leave the register are varied, but it is generally because they would like a break from the profession to start a family, as in a recent case where a female ADI felt compelled to renew her registration, despite taking a career break from delivering driving instruction to bring up her two young children. If she had not renewed the registration at a cost of £300, it would have lapsed, which seems very unfair. She would then have had to undergo the three-year requalification process, which takes 34 weeks on average. The ADI felt that this was discriminatory, and I certainly agree. She would have preferred leaving the register voluntarily and then returning at a later date via the simplified route.

A further example of how ADIs might benefit from the Bill is where an ADI is undergoing long-term medical treatment, and while receiving treatment does not feel well enough to continue working, but would afterwards be able to return to their profession without the stress of having to requalify. The Bill will work to benefit instructors, as with a recent ADI who allowed his registration to lapse due to a heart attack. At the end of the 12-month period in which he could re-register without requalifying, the ADI was still on medication and although he was able to drive, he did not feel well enough to resume instructing. He felt that he needed a little more time. While the registrar has no discretion in these matters under the current legislation, he did allow a couple of months' grace, as an extension of the 12-month period. While this was welcome, the ADI still felt that this placed him under undue additional stress, which could further impact on his health, and I agree with that, too.

In those circumstances, an ADI who has not been able to earn a living for a while will no doubt be relieved that they will have an opportunity to return to work and start earning a living much more quickly than they would have done if they had had to requalify. The simplified procedures allow an ADI to be back in work in around six weeks, as opposed to the average of 34 weeks to requalify.

In promoting the Bill, I do not seek to compromise standards of instruction—this was the point made by my hon. Friend the Member for South East Cornwall (Mrs Murray)—because the standards check carried out to ensure the ADI's continued ability to instruct will be the same check that is carried out on practising instructors on the register. I am, however, seeking to make the legislation more proportionate and fair, making it more relevant to the 21st century by making two simple deregulatory changes. This certainly pleases Conservative Members and fits in with the Government's commitment to removing unnecessary burdens, especially for small businesses, which make up the majority of the ADI industry.

I am delighted to see in his place the Under-Secretary of State for Transport, my hon. Friend the Member for Harrogate and Knaresborough (Andrew Jones), who will no doubt respond to the debate in due course. He made his debut as a Minister in Committee, and I am advised that if we are successful with this Bill, it will be the one and only piece of legislation that the Department for Transport has piloted in this parliamentary Session. I commend the Bill to the House.

10.3 am

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): I congratulate my hon. Friend the Member for Southend West (Sir David Amess) on his remarkable success in getting the Bill this far. He has steered it very well. He mentioned the Committee stage, which managed to last an entire 14 minutes. Approval for the ideas he brings forward is very clear, and I hope to see the Bill making it on to the statute book shortly. The Government support the Bill.

I shall be relatively brief and expeditious. Let me first confirm that, in my view, the provisions of the Driving Instructors (Registration) Bill are compatible with the European convention on human rights. Thanks to the great efforts of my hon. Friend, we are now aware that paid driving instruction in Great Britain has been regulated for many years—in fact, since the 1960s. It is therefore unlawful for a person to carry out paid driving instruction unless they are registered as an "approved driving instructor", commonly known as an ADI. To become a qualified ADI, an instructor must take and pass a three-stage process. There is a purpose to the legislation, which is to ensure that an instructor is sufficiently qualified to deliver a robust standard of instruction to learner drivers and, through that, help to preserve road safety by making sure they become safe and responsible drivers.

The regime to control the process is proportionate. We need look only at our country's record on road safety to see the contribution that ADIs have made; indeed, other countries look at our record with some envy and have sought to replicate our system. As my hon. Friend made clear in Committee, however, some of the legislation is out of date and due for a change. That, of course, is why we are here today.

My hon. Friend has identified two quite simple changes that can be made to the legislation to bring it up to date and make it more reflective of current work practices, without compromising instructor standards. As he has pointed out, driving instructors are primarily small businesses, often operating individually or perhaps as part of a smaller franchise arrangement. These simple provisions will provide benefits of a deregulatory nature for a group of small businesses, which is entirely in keeping with the Government's intention to remove barriers to business.

[Andrew Jones]

The two ideas are quite straightforward. The first is to help people back into the industry through the removal of the requirement to redo their full three-part qualification. Last year, 2,500 ADIs allowed their registration to lapse, but only 1%—just 25—applied to requalify. I am sure that, had the requalification process been simpler, more would have tried to re-enter the industry. The requalification process will be reduced from a 34-week process to a six-week one, which is a very significant change.

The second idea relates to voluntary removal from the register and then re-entering via the updated, simplified procedure. Last year, 610 ADIs asked to be removed from the register because they had other commitments. The registrar cannot, however, legally do that because ADIs can be removed only for reasons relating to conduct, competence or discipline. If someone is taking a career break to be a carer or to bring up a family, having one's competence challenged or being made subject to a disciplinary procedure seems entirely unfair. It does not reflect what is happening in people's lives or careers, which is why we need to make the change.

As the Minister with responsibility for road safety, I am reassured that the Bill will not lower standards and will not compromise road safety; it will merely simplify access to the profession.

Lilian Greenwood (Nottingham South) (Lab): I did not have the opportunity to ask this question earlier, so I would like to ask the Minister now. Clause 5 enables the Secretary of State to use regulations made by statutory instrument to

"make such provision as the Secretary of State considers appropriate in consequence of this Act."

That sounds rather broad, so will the Minister clarify the circumstances in which the provision might be used?

Andrew Jones: Yes, I think the clause provides consequential amendments to flow through the idea and basic concepts of deregulation and ease of process through other aspects of parliamentary business, as required. It is quite straightforward and does not change things; it simply follows it all through. If I am wrong, I will of course write to the hon. Lady, but that is certainly my reading of the clause.

We have two simple measures in front of us this morning, which will provide flexibility and financial benefits for the industry. I am very pleased to give the Government's support to the Bill, and I hope that it receives a Third Reading.

10.9 am

Lilian Greenwood (Nottingham South) (Lab): I should like briefly to add my congratulations to the hon. Member for Southend West (Sir David Amess) on introducing the Bill and so successfully steering it through to its Third Reading. I confirm that Opposition Members also welcome these sensible measures to update and simplify regulation on the registration of driving instructors. I particularly welcome the opportunities it provides for those instructors who take a career break, perhaps to care for children or elderly relatives, or indeed those who are returning after a period of ill health. This provides a really good example of the way in which private Members' Bills can be used to make small changes that can make a big difference—in this case, to a number of driving instructors across the country.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Illegal Immigrants (Criminal Sanctions) Bill

Second Reading

Mr Christopher Chope (Christchurch) (Con) *rose—*

Mr Speaker: Order. In view of the hon. Gentleman's preference for expedition rather than, of course, expediency, he will be delighted that we have reached his Bill in such an orderly way, and without undue delay.

10.10 am

Mr Chope: I am indeed so delighted, Mr Speaker, and I beg to move that the Bill be now read a Second time. In so doing, I thank the sponsors of the Bill, my hon. Friends the Members for Wellingborough (Mr Bone), for Shipley (Philip Davies), for Gainsborough (Sir Edward Leigh), for Bury North (Mr Nuttall), and for Kettering (Mr Hollobone). I am delighted to see that some other colleagues are present and clearly intend to involve themselves in this important debate.

The Bill provides for criminal sanctions against two categories of offender: those who enter, or attempt to enter, the United Kingdom without legal authority, and those who are present in the United Kingdom after 1 July 2016 without legal authority. Clause 2 sets out the penalties for those offences: a fine or a maximum prison sentence of six months, and—this is important—a deportation order, which would take effect unless the Home Secretary deemed it to be against the public interest.

Currently, the United Kingdom is effectively a soft touch for illegal migrants. Very few are caught, and those who are caught are given a slap on the wrist; extremely rarely are they deported. That gives illegal migrants, and their traffickers, a perverse incentive to head for the United Kingdom, and, in the case of those who come here lawfully, to overstay.

I have raised this issue with the Immigration Minister on several occasions, most recently when attempting to add a new clause to the Immigration Bill on Report on 1 December 2015. The Minister told me then that new criminal sanctions were not "necessary or appropriate". He said:

"there are already criminal sanctions and removal…powers in place…Section 24 of the Immigration Act 1971 in particular sets out criminal sanctions for various types of unlawful migrant behaviour, including illegal entry and overstaying."

That is, of course, absolutely correct, but my response to the Minister then—and it is the same today—was that in the last year for which figures were available,

"there were only 72 convictions in magistrates and Crown courts for all the offences mentioned in section 24".—[*Official Report*, 1 December 2015; Vol. 603, c. 230.]

Having been challenged on that point, the Minister went on to explain that the purpose was not to prosecute people, saying:

"Our primary sanctions for immigration non-compliance are removal and civil penalties, which is why, in many respects, prosecution numbers are relatively low."—[*Official Report*, 1 December 2015; Vol. 603, c. 253.]

What an understatement "relatively low" was! There are fewer than two prosecutions a week for illegal immigration, although we can see on our television screens exactly what is happening just across the channel. Attempts, many of which are successful, are being made every day by hundreds of illegal migrants.

John Glen (Salisbury) (Con): It is not a fact that, in the last year for which figures are available, 40,000 people left voluntarily, and that the number has increased by 30% in recent years? It is not all doom and gloom. There is reason to believe that the imperative to recognise their illegal status has led several thousand people to leave the country.

Mr Chope: It is hard to establish the exact basis on which those people left voluntarily. I know that the figures given by my hon. Friend have been cited before, and the number does seem to have risen, but I think that the people about whom we are concerned are those who are staying here deliberately, in breach of the law, as illegal migrants. I shall give some examples shortly. People who leave voluntarily are often those who have overstayed and want an opportunity to make a fresh application from overseas without being caught out. They tend—in my constituency case experience, at least—to be good people who have been caught out by the existing rules and who want, as soon as possible, to rectify their legal position, and to be able to return to the country and remain here legally. What concerns me, and what the Bill aims to address, is the very large number of people—there are probably well over a million now—who are here illegally, are intent on staying here illegally, and every now and again ask for some sort of amnesty which would enable them to be legitimised.

David Morris (Morecambe and Lunesdale) (Con): Do I understand that my hon. Friend would like to see a fast-track process to extradite people who are staying here illegally?

Mr Chope: I would indeed like to see such a process, but for deportation rather than extradition. The Bill specifically states that if illegal migrants are convicted, the courts should recommend deportation as a matter of course, but that is, at present, very much the exception. As a consequence, as soon as people arrive in this country—although they may have come here by means of subterfuge, with false documents and so on—they think that if they are caught, they will effectively never be deported.

We know that, currently, a mass—tens of thousands—of what are described as failed asylum seekers are in this country, and have not been deported. The figures, which I have somewhere, suggest that the number of deportations of failed asylum seekers is at a 10-year low, yet we know that the number of people seeking asylum last year was at a record high. Why are so few of those people being deported? I think that it is because the Government are not taking seriously the need to deter, and to enforce the existing law in the 1971 Act. Given those figures relating to failed asylum seekers, how can the Government say that their focus is on "removal…rather than prosecution", because removal is less quick and less costly? The facts do not seem to bear that out.

So what are the facts? We know that of those who have come here illegally, fewer were subjected to enforced removal last year than in any of the previous 12 years for which we have statistics. In 2004, 21,425 people were subjected to enforced removal, under a Labour Government. My hon. Friends often say that during that period, the Labour Government were a soft touch when it came to illegal migrants. I see that the Minister is nodding. Last year only 12,056 people were subjected to enforced removal, the lowest number for 12 years.

[Mr Chope]

The Government sometimes arrange what are known as "assisted voluntary returns", which often means the provision of an air fare to enable people to leave. The number of assisted voluntary returns last year was also at its lowest level for 12 years, at just 1,635. That information comes from the most recently published Home Office immigration statistics, relating to 2015.

Public anxiety about illegal immigration is at an all-time high, but the Government's effectiveness in tackling it is, in my submission, at an all-time low. There are scarcely any prosecutions and the number of enforced removals has been substantially reduced. In the face of these facts, what are the Government doing? As recently as Monday this week, the noble Lord Bates, the Home Office Minister of State—

Sir Edward Leigh (Gainsborough) (Con): A great man.

Mr Chope: My hon. Friend says that he is a great man, and I am sure he is. His time in this House happened to coincide with a time when I was not a Member of Parliament, so I do not know him very well. In the other place on Monday, he said in answer to a question from another great man, whom I do know, Lord Green of Deddington, that

"the Prime Minister, the Home Secretary and others have been working hard…to increase the discomfort for those who are in this country illegally."

What an extraordinary use of words—

Mr David Nuttall (Bury North) (Con): Discomfort!

Mr Chope: Discomfort! What did the Minister have in mind when he referred to discomfort? Perhaps the Under-Secretary of State for Refugees, my hon. Friend the Member for Watford (Richard Harrington), who is on the Front Bench today, will be able to explain what was meant by that term. It suggests someone who might have a mild medical condition.

Equally inadequate was Lord Bates' reply when he was asked

"what difference do the Government estimate that the Prime Minister's so-called EU reforms will make to the figures"?

Lord Green had stated earlier that migration levels could lead to

"an increase in our population of half a million every year, of which 75% will be due to future immigration".

The Minister, Lord Bates, accepted that Lord Green had been

"correct in saying that if you use the statistical data available to forecast, you arrive at roughly the numbers he referred to."

He accepted the premise of the question, but when he was asked what the effect would be of the so-called reforms that the Prime Minister came back with following the renegotiations, he said:

"Of course, we must see what effect they will have, going forward."—[*Official Report, House of Lords,* 29 February 2016; Vol. 769, c. 576.]

If that is not an imprecise statement on what are being bandied around as essentially good reforms that will transform the status of our relationship with the European Union, I do not know what is. It is an extraordinarily vague response to a very precise question. The Government keep saying that our relationship with the European Union will be debated on the facts, but they cannot even bring any facts to bear in answer to that precise question.

The whole purpose of the Bill is to reduce illegal immigration by identifying, prosecuting and deporting those already here illegally and deterring others who might be planning to come here illegally. How big is the problem that the Bill seeks to address? The Government have very little idea how many foreign nationals are in this country illegally, or so they say. They certainly refuse to gather any data to inform the debate, because of the embarrassment that that would cause. I have some figures that have been produced by the House of Commons Library, and they basically show that the Government have no idea how many illegal migrants there are here. The most recent studies are more than 10 years old, but the figure then was in a range between 300,000 and 700,000. That was 10 years ago, so what would the figure be now? In my submission, it must be well in excess of 1 million.

Mr Nuttall: Does my hon. Friend agree that, given the Government's trumpeting of the now more widespread use of exit checks, it ought to be relatively simple to ascertain the number of illegals who are in this country by looking at how many have been identified by the exit checks as having left the country and who the records show were not even supposed to be here in the first place?

Mr Chope: That is a very intelligent suggestion, and I wish I had thought of it. I hope that the Minister will take it on board. Many other straws have been put into the wind to try to work out what is happening, but my hon. Friend's suggestion would provide a good way forward. It would give us at least some idea of the figures. One of the problems is that many of the people who are already here illegally do not have any documents. They do not have passports, so I am not sure that they would wish to exit the country using authorised routes. Notwithstanding that problem, however, there is a lot in what my hon. Friend has said.

Whatever the number of illegal immigrants in this country might be, they are certainly continuing to arrive in record numbers. We know that 1.1 million came into the European Union last year. In January 2016, the rate at which people were crossing the Aegean and arriving in Greece from Turkey was around 1,300 a day, compared with around 1,300 in the whole of the month of January in 2015. The numbers are increasing exponentially. I had the opportunity to see this with my own eyes on the isle of Kos last October, and I could see that this was a really big business being organised by criminal gangs across Europe and beyond.

This brings me to the report published last month by Europol entitled "Migrant smuggling in the EU". The report points to the fact that many more than 100,000 migrants entered the United Kingdom illegally last year. It does not give a precise figure, but the implication is that the figure was higher than 100,000. It also states that more than 900,000 of the 1 million migrants who entered the EU last year used the services of criminal groups of people smugglers who were heavily connected to organised crime. It identifies the UK, Germany and Sweden as the three preferred destination countries and makes it clear that almost all migrants eventually reach

their chosen destination, undertaking what the report describes as "secondary movements". London and Calais are identified as being among the

"main criminal hotspots for intra-EU movements".

The Europol report refers to the main countries in which suspects operate. It states that criminal suspects born in Bulgaria, Hungary, Pakistan, Poland, Romania, Syria and Turkey concentrate a high proportion of their activities in the United Kingdom. It refers to document counterfeiting having increased significantly, to corruption being rife and to migrant smuggling routes and networks being used to infiltrate potential terrorists, which we know sadly happened during the Paris attacks last November.

The report states that the EU needs to be firm with those who do not need protection, who pose a security risk or who refuse to co-operate with the asylum process. However, we know that that is not happening at all. We now have a system of hotspots that is designed to ensure the rapid return of those without a legitimate asylum case, but again that is not happening.

Another indication of the number of people who may be here illegally came in December 2013, when, following a claim in 2010 that the Government did not have any information on this matter, the Government issued the publication, "Sustaining services, ensuring fairness: Government response to the consultation on migrant access and their financial contribution to NHS provision in England".

Just as a side issue, let me say that we saw in the papers yesterday that there is a great imbalance between the amount of money that our country pays out to EU countries in respect of the healthcare of British citizens in Europe compared with the amount that we charge European citizens using our health service here.

The NHS document suggested that, at any one time in England, there are about 2.5 million overseas visitors and migrants, of whom 450,000 are from the European economic area, and about 580,000 are irregulars, who include failed asylum seekers liable to removal, people who have overstayed their visas and illegal migrants. Even back then—in 2013—the health service statistics suggested that there were the best part of 600,000 people here.

Earlier today, courtesy of the *Mail Online*, I listened to what the Home Secretary said to the Conservative party conference in 2014 about the determination of herself and the Government to reduce the number of appeal rights and the number of appeals by foreign criminals against removal from our country. At that stage, she said that there were 70,000 appeals and that she would halve that number by reducing the number of appeal rights from 17 to four. She rightly referred to the abuse of article 8 and the emphasis on foreign criminals and illegal immigrants trying to rely on family connections. At the outset of her speech, she said that she was going to extend the number of "deport first, hear appeals later" cases.

It was with some dismay that I read, on 28 February, in the *Mail on Sunday* that a Romanian rapist, who had been removed from Britain, had been allowed back in by judges who ruled that his fast-track deportation broke EU law and breached his human rights. This was a person who had been convicted in Romania of rape. He had come to this country illegally, stayed in this country illegally and then, when the rules changed for Romania to join the European Union, he was able to stay here as an EU citizen. The Government have always said that they wish to maintain control of our borders so that we do not have to tolerate criminals from the rest of the EU in our country. It only came to light that that person had a criminal record in Romania when he was convicted of a drink-drive offence. Even in a case as strong as that, the courts have intervened to prevent him from being deported from this country.

The same article refers to another case in which a violent Slovakian sent home under the deport first rule had won the right to return to the United Kingdom for his appeal hearing. The Upper Tribunal ruled that it was unlawful for the Home Office to refuse Roman Kasicky permission on security grounds. The Home Office had said:

"The UK will seek to deport any EU national whose conduct represents a genuine, present and sufficiently serious threat."

The only problem is that, under our present arrangements with the European Union, we are incapable of being able to deliver on that intent. The only way, in my submission, that we will ever be able to deliver on it is by leaving the European Union, and that is increasingly the conclusion to which people are coming.

In 2014, the Prime Minister said that he recognised that this was a really serious issue, that we needed to take control of our borders, that we needed to reduce the levels of migration to the tens of thousands and that he was going to secure that through fundamental reform of the European Union. There has not been fundamental reform of the European Union; in fact there has been no reform at all. What has happened is that we have a very modest reform of our relationship with the European Union, subject to all the provisos about enforceability and the supremacy of the European Court of Justice. Without fundamental reform, we cannot do anything about these illegal people from the European Union, as exemplified by the case to which I have just referred.

My Bill would cover not just those from the European Union, but illegal migrants more generally. If there are 1 million-plus illegal migrants in this country at the moment, this Bill would enable the Government to get to grips with the matter and to get the authorities working on it. If we got tough with illegal migrants in our country, the people smugglers would divert them away from the United Kingdom, as they always try to use the weakest points of entry. Apart from the weakness of our enforcement and detection procedures, one of the perverse incentives for people to come to the United Kingdom is that we do not have a requirement that people should have identity cards. I do not think that we should have such a requirement, but the fact that we do not have it means that people who are illegal migrants can lie low here for years and years and we do not know anything about them. They come to light only when they are convicted of an offence, and by then we are told that they have been here for too long and we cannot get rid of them.

This is a mega crisis in immigration. I proposed this Bill more in hope than in expectation. None the less, I hope that, at the very least, the Minister will have the opportunity to explain how, if the people decide to stay in the European Union on 23 June, all these serious issues will be sorted out.

10.38 am

Sir Edward Leigh (Gainsborough) (Con): Sir Winston Churchill once said:

"We have our own dream and our own task. We are with Europe, but not of it. We are linked but not combined. We are interested and associated but not absorbed…If Britain must choose between Europe and the open sea, she must always choose the open sea."

The open sea between Calais and Dover is the subject of this debate. Traditionally, the sea has been an opportunity for us British people to take our values across the world. The sea has never really been seen as a threat to this island nation, except in terms of armed conflict. There is a different threat now, which is why the Bill, albeit only a private Member's Bill, is very apposite. It is important that we debate it and that the Government take these arguments seriously and reply to them, because, frankly, in terms of illegal entry into this country, the system is out of control. There is widespread public disquiet about that. It is not good for the reputation of this Government, or any Government. It is not good for relations between different communities. It is not good for respect for the system of law.

People cannot understand why there are no consequences for causing massive, criminal disruption. If someone decides illegally to enter the channel tunnel, which is a very dangerous thing to do in any circumstances, and they cause massive disruption, delaying train after train, delaying hundreds of people going on holiday or returning, or, even more important, preventing people from getting to business appointments, and if someone actually walks through the entire length of the channel tunnel, what people cannot understand is why, when they are caught, having caused that massive, criminal disruption, there apparently are no consequences. They are not even returned, it seems, to France. It brings the whole system of law into disrepute. It is not good for our relations with France either, but I will deal with that in a moment.

A constituent, Mr Denby, runs a very successful haulage business, which he built up from nothing. He is an entrepreneur, creating jobs. Let us say that one of his lorries arrives in Lincoln, the back of it is opened, and out jump half a dozen illegal migrants, and Mr Denby rings the police. Are the migrants prosecuted? For all the trouble that they have caused, are they taken to court? Are they given, perhaps, a modest prison sentence but then deported? No. They are taken off to a comfortable hostel in Boston and they stay in this country forever. It is like a child's game. People arrive in this country illegally. When they get to Dover, they shout "Home" and apparently there is nothing the police can do about it. The whole system is brought into disrepute.

If we were just talking about a few dozen, or even a few hundred people a year, we could perhaps live with it, but my hon. Friend the Member for Christchurch (Mr Chope) mentioned the statistics and I shall mention a few as well. We are talking about potentially thousands of people, and the whole system being brought into disrepute. The Bill is particularly apposite because the whole issue of juxtaposed controls, by which someone can have their passport checked on the French side of the channel if they are trying to enter England, is front-page news today, given President Hollande's remarks yesterday.

How extraordinary that the President of France, the President of a friendly country—everybody knows how francophone and francophile I am: there is no more francophile or francophone person in this House—should say that if the British people exercise their democratic right in a referendum to leave the EU there will "be consequences" in Calais. He did not actually mention Calais—I think he said he did not want to be too alarmist—but the interpretation of all his remarks is that if we were to leave the EU, he would move the borders.

Mr Chope: My hon. Friend is far too modest. I want to place it on the record that he is a holder of the Légion d'honneur.

Sir Edward Leigh: It is very kind of my hon. Friend. I have devoted 30 years of my life to trying to improve relations between our country and France. We are the closest of allies. In two world wars, the blood of hundreds of thousands of British people was spilt, and it drained away in the precious soil of France to save their liberties. I think that is well recognised by French people. It is, in my view, not acceptable for a leader of a foreign country, particularly a friendly country, to say that if the people exercise a democratic right there will be consequences.

Tom Tugendhat (Tonbridge and Malling) (Con): I hope my hon. Friend will forgive me for saying this, but surely that is exactly what he wants. Mr Hollande, the President of France, in announcing that there will be consequences, is merely stating a fact about leaving the European Union. My hon. Friend is seeking consequences, and they are some of the things he is referring to now, but there will be others as well, and that is why he is seeking to leave the EU.

Sir Edward Leigh: That is perfectly okay if these "consequences" are phrased in terms of a friendly question. Although it is not the subject of today's debate, one friendly debate that we could have is on the question: if a country leaves the EU and wishes to access the single market, to what extent does that country have to take migrants? If the debate takes place under those circumstances, I take back entirely what I said, because that would be a friendly debate. But there is the possibility, especially given what the Prime Minister said a couple of weeks ago, that alarm bells are deliberately being rung, and Downing Street might indeed be orchestrating that. Some people say that it is right to ring these alarm bells, but there is a fear that our border will be thrown open.

We all know this is a toxic issue; it is pointless to deny that. It is far more toxic with the general public than arcane debates about the single market and business regulation, and even the sovereignty of Parliament. This is the important point—the consequences point—and it is desperately important for the referendum. If it is felt that anybody can walk across the continent, as they are in their tens of thousands, from Iraq, Syria and Afghanistan—of course we sympathise individually with the desperate plight of these people—and can arrive in Calais, get on a cross-channel ferry, arrive in Dover and, because of the present state of the law, will not be returned, because apparently neither the Bill nor anything like it will be passed, there are indeed consequences.

I happen to think that the existing law has an entirely wrong-headed point of view on this issue. We have the treaty of Le Touquet. It is nothing to do with the EU. I do not think it would be in the interests of most

countries, and it would not surely be in the interests of France, to encourage more people to walk across France in the hope of getting to England. I believe that the treaty of Le Touquet would stand, but certainly it is a debate that we need to have. I believe also that it would stand anyway because, as I understand it—although I defer to the Minister, who deals with these issues every day and is presumably much more expert in the law—it is very difficult to enter the United Kingdom illegally on an aeroplane. Before boarding, your passport and ticket are checked, and if they are not in order you are not allowed to board.

Let us say we were to leave the EU—or even that there was no treaty of Le Touquet. Surely, before anyone was allowed on the channel tunnel train or the cross-channel ferry, the ticket collector would check their ticket and passport, and if they were invalid, would not let them board. I believe that the vague undercurrent of threats of "consequences" in terms of law and practice is complete rubbish.

Mr Chope: My hon. Friend is making an excellent point. Is it not correct that the carrier liability to which he refers does not apply to, for example, Eurotunnel, but it would need to apply to Eurotunnel, which has French majority ownership, and to the cross-channel ferries in the future in the same way as it currently applies to all airlines?

Sir Edward Leigh: Absolutely. I think that would be very simple to arrange, and it would be in the interests of both Governments. I do not think for one moment that France would abrogate the treaty of Le Touquet, first for the reason I have given, which is pure self-interest, and secondly because, as President Hollande kindly said—this is where I support what he said—we are close allies, and we would continue to be close allies even if Britain left the EU. It is inconceivable that the very first thing he would do would be the deeply unfriendly act of abrogating the treaty of Le Touquet. My hon. Friend makes the vital point about carrier liability, which seems to work extremely well for aeroplanes, and I cannot see why it should not work entirely properly and conveniently, and in a proper administrative way, for ferries and for the channel tunnel. That has dealt with that point. *[Interruption.]* My hon. Friend the Member for Tonbridge and Malling (Tom Tugendhat) laughs, but if he wishes to question my arguments—

Tom Tugendhat: I did not laugh.

Sir Edward Leigh: The point of these debates is to have a debate. If what I am saying is not right, it is incumbent on the Minister to explain why, because there is enormous public interest in this. It would be really helpful if the Minister, when he responds to the debate, said, "I listened to what my hon. Friends the Members for Christchurch and for Gainsborough said about carrier liability, the treaty of Le Touquet and all the other points, and the advice that we have received from Home Office officials is that this would not be a problem if we left the EU." That would be a marvellous statement. We might not get it, but it is at least something to ask for.

Tom Tugendhat: Just for the record, I was not laughing; I was sneezing slightly. I merely want to ask a question on the treaty of Le Touquet and the implications for France. I know that my hon. Friend has done much to support Britain's relationship with France—the French ambassador speaks very warmly of him—and he certainly recognises the enormous commitment that the French make to guarding Calais on behalf of the United Kingdom population, and how that distorts the work of the gendarmerie, who are effectively forced to take massive overtime over the whole of the nation in order to support that commitment. It creates a major distortion of policing across the whole nation. That burden is borne almost entirely by the French people. Yes, the UK makes a small contribution, but it would not be fair to say that there is no debate in France on this. Were my hon. Friend to read some of the statements in the Assemblée Nationale, or to read some of the commentary in *Le Figaro* and *Le Monde*, he would see that there is major pressure on the French Government to look again at the Le Touquet treaty.

Sir Edward Leigh: That is a very fair point. There is enormous concern in France and enormous resentment in Calais. By the way, I pay tribute to the Mayor of Calais, who has done sterling work in this whole area. I sympathise deeply with the people of Calais and with the French Government, who have had to bear the cost. I sympathise with the poor gendarmerie, who this week have been under appalling attacks, not primarily from the migrants, who are decent people seeking a better life, but from anarchists who are there deliberately to provoke aggression. My hon. Friend is quite right about that.

Surely we have to ask why the "jungle" in Calais is there. It is there because those people believe that, in the absence of a Bill such as this, if only they can make it on to a train or hide away in a lorry or car, once they get to the United Kingdom they can cry "Home" and they will never be sent back.

Conor McGinn (St Helens North) (Lab): Does the hon. Gentleman not accept that fundamentally those people are there because they are desperate, having fled war and persecution?

Sir Edward Leigh: Absolutely. Let me be completely clear that nobody in the House questions the desperate plight of the people now trudging through Greece and those who are held up at the border, having fled the appalling events in Syria, Iraq and Libya. By the way, the west has a huge responsibility for that, and I have to say that those Members who voted to invade Iraq, to bomb Libya and to bomb Syria also have a responsibility for the chaos that has ensued. Nobody questions the desperate plight of those people, but let us be completely honest about this. The hon. Gentleman has to be honest. Is he now suggesting that the British Government should say to the 6,000 people living in the jungle, "Yes, you are decent human beings who have come from appalling places with dreadful Governments and where there is chaos, such as Eritrea and Somalia, so you can come here"? If he wishes to make such a statement, he has to juxtapose himself on to the Government Front Bench and say, "Yes, I will let in those 6,000 people", because tomorrow another 10,000 will come, and they day after 20,000.

Conor McGinn *rose—*

Sir Edward Leigh: Having questioned the hon. Gentleman, I had better give way to him.

Conor McGinn: That is not what I was saying. I had the privilege of hosting a group of young people from the Catholic Agency for Overseas Development in this House on Thursday. I said to them that when one looks at the images from Calais and the Mediterranean, one's instinctive reaction—certainly it is mine—is that of a father, a brother and a son. We must introduce the language of compassion into this debate while absolutely understanding that tough decisions have to be made, and we must find a policy solution to it. That is the point I was making.

Sir Edward Leigh: The hon. Gentleman is absolutely right. We have to introduce the language of compassion. May I just defend the Government for a moment? There is not a single Government in the whole of Europe who have spent more money on aid to Syria. This Government have a perfectly logical and reasonable point of view, which is that, rather than simply giving comfort to the people traffickers, we should take people directly from the camps. I think that there is widespread support on the Government Benches for what the Government are doing in that regard. If I have not spoken the language of compassion, let me be absolutely clear now that this debate is not about being nasty to people who are desperately seeking a better life.

Mr Nuttall: I accept that these people are desperate and fleeing persecution. If that is the case, why are they not seeking a safe haven in the first safe country they reach, rather than trying to get to the United Kingdom? Is that not the question we ought to be asking?

Sir Edward Leigh: That is the question that the public ask again and again in the letters and emails we receive. Why is the Dublin convention not being used? My hon. Friend the Member for Christchurch was a very distinguished chairman of the migration committee in the Council of Europe, and he is probably one of the House's leading experts on the whole migration issue. He has spent many hours not just sitting in committees in Strasbourg, but making the effort to go to Lampedusa and all these places to talk about the Dublin convention. That convention basically states, quite rightly, that a person should get asylum or be returned to the first country they enter, so this is what people in this country do not understand: is France unsafe? I quite understand—in the language of compassion—why a person would want to be an economic migrant, but are they an asylum seeker? When they are taken out of the back of a lorry in Lincoln or found at the first service station on the M3, they do not say to the English gendarmerie that they want to get benefits or a job; they say that they are an asylum seeker. The question that the British people are asking is this: if that person is a genuine asylum seeker, given that France is a completely safe and civilized country, with a very generous benefits system, why do they not claim asylum there? It all boils down to why this Bill is needed. I know that this is only a private Member's Bill, but for the life of me I cannot understand why the Government do not take action on this.

David Morris: I pay homage to my hon. Friend for his prowess in this field. I would like to clarify the fact that people come from all over the world to Calais, where there is a bottleneck, in the hope of getting across the channel and claiming asylum, and they do so for one reason only: they perceive that life will be better here for themselves and their families. To be frank, I do not think anybody on the face of the planet, if they were in distress, would not do the same thing. They come to this country—I hope that my hon. Friend agrees with this—because, as has been said in this debate, the UK is a soft touch. Does my hon. Friend agree that the Prime Minister has brought forward reforms to deflect people away from this country by cutting down the benefits and the perceived advantages?

Sir Edward Leigh: That may be a fair point. I do not think that Mr Deputy Speaker would want me to get into a whole debate about the Prime Minister's renegotiation of benefits for Poles—people who have an absolute right to come here anyway. I briefly make the point that the overwhelming majority of Poles come here to work, not for benefits, but let us leave that to one side.

The people sitting in Calais are not Polish, Lithuanian or Hungarian—those people can all come in anyway. I am afraid that the intervention of my hon. Friend the Member for Morecambe and Lunesdale (David Morris) is completely irrelevant. By definition, the people whom we are discussing are not allowed here. They come from outside the EU.

It is true that our benefit system is a draw. I am told that in the "jungle", England is viewed as a kind of El Dorado—having lived here for 65 years, I have never thought of it as that. Apparently, it is the place where all one's dreams come true—there are unlimited work and benefits, and all the rest of it. These people come from outside the EU, so I am afraid that my hon. Friend's intervention was not relevant. The issue is entirely in the hands of the Government. We hear about the staggering level of net migration, at 300,000 a year. The whole of London and the south-east is groaning under the number of people, and that is a particular issue for native working class people.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. This debate is about illegal immigration. As Sir Edward pointed out, the intervention of the hon. Member for Morecambe and Lunesdale (David Morris) was about legal immigration. We need to get back to the relevant point.

Tom Tugendhat *rose—*

Sir Edward Leigh: I shall give way to my hon. Friend if he wants to ask me about illegal immigration, rather than legal immigration, to which my hon. Friend the Member for Morecambe and Lunesdale referred.

Tom Tugendhat: I do want to ask about illegal immigration. I merely want to state on the record that I do consider this country to be an El Dorado and I do think that it is a sceptred isle set in a sapphire sea. I really do think that this is the best country in the world. We are a light on the hill and a beacon to the peoples of the world. I think there is a good reason why people do not stop on their way here; if I had the choice of coming to the UK rather than anywhere else, here is exactly where I would come and I am very proud that my family are here.

On a separate point, I should briefly say that, sadly, some of those attempting to enter through Calais are the interpreters from Afghanistan and Iraq, with whom I served and who served the United Kingdom armed forces with enormous courage and distinction. When

we consider this matter, we should realise that some of the people may have a rightful claim. We should be a little more considerate, as I know my hon. Friend the Member for Gainsborough (Sir Edward Leigh) is being; some voices, however, are becoming more strident.

Sir Edward Leigh: That is absolutely right. Some have put their lives on the line as interpreters for the British Army in Afghanistan and some, God forbid, may be living in the jungle in a shack. The Minister could make a good point about preventing illegal entry by people who put their lives at risk by trying to jump on a train. I do not know what the procedures are; presumably, the people mentioned in my hon. Friend's intervention could find a British immigration official and try to enter legally. My hon. Friend makes a good point.

My hon. Friend's first point was very apposite too. Why are there all these attempts at illegal entry into the UK? It is because getting a job in France is so difficult and joining the benefits system there is so complex. Those things are probably even more difficult in places such as Italy. That is why people will do anything and take any risk to try to jump on the train, put their lives at risk and cause disruption for hundreds of different people. That is why we need the Bill: so that they know that it is simply not worth it.

If the Government took the steps that my hon. Friend the Member for Christchurch suggests, I hazard a guess that the camp would dissolve. The whole issue would go away and our relations with France would improve immeasurably. People would simply make a perfectly rational and good decision, asking themselves what, if they knew that they were going to be caught, was the point of causing all the anguish in trying to get out of France and putting their lives at risk. Many might think that they would never be caught, but that brings us to the debate about ID cards and all the rest of it; presumably, that is another reason why they want to come here. At least if they knew that they would be sent back if they were caught, that would solve the problem to a certain extent.

Mr Chope: We all sympathise with the problems of the French authorities in Calais, but does my hon. Friend agree that one solution would be for the French to come out of the Schengen area? They could then control the border between them and, for example, Italy, and that would deter people from coming to their country illegally.

Sir Edward Leigh: The Schengen area is not as open as it was. Last summer, I was driving from Italy to France. I noticed that although there were no border checks between the two countries, there were loads of gendarmes checking every single coach and car at the first péage, where people pay the tolls for the motorway. My hon. Friend should not be too starry-eyed about the Schengen area; all sorts of controls are gradually building up all over Europe and I quite understand the position of the French Government, of whom I make no criticism at all.

The numbers are extraordinary. In November 2014, the answer to a parliamentary question gave some details about the costs and impacts of juxtaposed controls in France:

"In 2013/14 the number of clandestine people detected at juxtaposed controls in France by Border Force and other agencies was around 18,000—a rise of over 60 percent from around 11,000 in FY2012/13."

I suspect that the figures are far worse now than they were even a year ago. The annual cost of the Border Force at the port of Calais per fiscal year is also quite extraordinary: in 2013, it had risen to more than £17.5 million.

The independent chief inspector of borders and immigration published a report on the inspection of juxtaposed controls in 2013. He found that people found hiding in freight vehicles were no longer being fingerprinted at Calais or Coquelles owing to limited detention facilities. The Government's response to the report agreed with his recommendation to review this policy. However, the Home Affairs Committee noted in March 2015 that clandestine migrants caught in Calais or Coquelles are still not fingerprinted by the UK authorities, unlike at other juxtaposed controls. They are handed over to the French police, who will release them.

As we know, this is a sort of game. No matter how many times people try, there is no criminal sanction or disbenefit—the migrants simply try again and again. The director general of the Border Force told the Home Affairs Committee that the number of individuals attempting to enter the UK is significantly less than the number of attempts. As the Home Affairs Committee report said,

"Sir Charles explained that the 30,000 attempts"—

the numbers are staggering—

"to enter the UK through the juxtaposed ports last year do not represent 30,000 individuals".

He said that many are trying again and again and again. Nevertheless, the Home Affairs Committee was critical of the UK and French authorities' approach to the problem. Some of its comments are tough and interesting. It says:

"The number of interceptions by Border Force and PAF, the French Border Police, highlights the sheer scale of the problem. And yet we have seen no evidence that France or the UK is pursuing a policy of processing and deporting the individuals found at Calais. We find it bizarre that there are thousands of attempts to enter the UK illegally through Calais, at great cost and inconvenience to business and leisure travellers, transport companies, and hauliers, and yet the people who are caught are simply released back into the French countryside."

Extraordinary!

"Nothing in this process appears to serve as a disincentive to returning to Calais and trying again and again, and there is no evidence it has affected the number of migrants living in the Calais area. It appears to be an admission of stalemate and something must be done to break this cycle."

The Committee goes on:

"It is apparent that extra security slows the traffic, creates queues"—

as I go back and forth to the Council of Europe, I am well aware of this—

"and can increase the vulnerability of the lorries to infiltration by migrants. Improvements in security must be combined with improvements in managing the traffic flow."

That, surely, is the point.

We can build as many fences or walls as we like, but we cannot manage the migrant flow unless the Government make real, cogent and serious attempts, first, to get rid of the incentive through something like my hon. Friend's Bill, and, secondly, to impose some sort of sanction. These people are desperate—we should show compassion to them because they come from appalling places—and will keep trying again and again. There is the physical risk, but in terms of the law there is no risk at all.

[Sir Edward Leigh]

The Home Affairs Committee goes on to say:

"It is important that improvements in security at one site do not simply displace clandestine activity to another site."

That is why we cannot deal with this problem simply with fences. It continues:

"Much of the investment from the UK Government appears to have gone into improving security around the Port of Calais ferry terminal, rather than the Eurotunnel terminal at Coquelles."

That was the case when the Committee wrote the report; I agree that things have moved on since. It concludes:

"If the Government accepts there is a security problem at both sites, then it should contribute to security measures at both sites."

I accept that the Government are trying now to address the problem, but only in terms of improving the fences and security. My contention, and that of my hon. Friend, is that we also have to deal with the pull factor.

This illegal migration into this country is very serious in terms of public policy. Some people might say, "Maybe we want more immigration—maybe these people provide low-cost cheap labour", and all the rest of it. I would argue that the ready availability of cheap labour reduces the need for employers to modernise their economy, and that for too long Governments have relied on open borders and cheap wages to keep the economy afloat. The problem with this large-scale migration—illegal migration is the worst aspect—is that it is totally unsustainable in the long run in terms of the economy, public policy and public opinion.

The Chancellor has signalled his intention that we end this model and move towards a low tax, high wage society. Lord Rose, the head of the remain campaign, admitted before the Treasury Committee this week that if Britain leaves the EU and immigration within the EU falls, then wages will rise. Of course, we heartily welcome a pay rise for the lowest-paid workers in Britain because that means more disposable income for them to spend or save as they see fit. The more immigration there is, particularly the more illegal immigration, the more consequences there will be.

Untrammelled immigration was introduced in 1997 for social reasons. The then Government gambled on newly arrived immigrants and their offspring being reliable Labour supporters—not always the case—so they adopted the Brechtian policy of abolishing the people and electing another version. Unfortunately, this kind of bad, poorly thought out policy was backed by certain aspects of the business community. The debate has moved on, in the Conservative party and in the Labour party, and there is now widespread public support for a really tough, firm and compassionate immigration policy. Serious efforts by Government to train the population into a different point of view have failed.

Before we dismiss this as just a temporary blip, let us look again at some of the figures. They are extraordinary. As long ago as 2005, the Home Office produced a study. I have been unable to find a more recent study, and one might ask why not; I see the Home Office Minister here. The study estimated the number of unauthorised migrants living in the UK in 2001. It measured the discrepancy between census estimates of the total lawfully resident foreign-born population, based on migration records. It concluded that in April 2001 the total unauthorised migrant population, including failed asylum seekers, living in the UK was approximately 430,000, within a range of 310,000 to 570,000 people. We should note that this estimate does not include the children of unauthorised migrants born in the UK. That study was produced in 2005, and I would like to have a more recent one. This is a really important issue in terms of good race relations and all the other aspects we are talking about.

In 2009, the London School of Economics published a study commissioned by the Mayor of London that updated the earlier Home Office figures in order to estimate the unauthorised migrant population at the end of 2007. The study produced two estimates—one for the number of irregular migrants and another for the number of irregular residents. The first figure is comparable with the earlier Home Office estimate, while the second includes the children of unauthorised migrants born in the UK. The study concluded that at the end of 2007 there were approximately 533,000 irregular migrants living in the UK, within a range of 373,000 and 719,000—so it is getting worse. There were approximately 618,000 irregular residents living in the UK, within a range of 470,000 to 863,000. If the public were aware of these figures—there is already public concern—they would be truly alarmed. The study found that the majority of the irregular resident population was living in London, with a central estimate of 442,000 irregular residents living in the capital—about 70% of the estimated irregular resident population at the end of 2007. These figures are truly extraordinary.

Mr Chope: My hon. Friend has recited some of the detailed research that the House of Commons Library has done on this. Does he accept that the implication of this research must be that by now there are well in excess of 1 million illegal migrants in this country—in fact, millions of them—and that it is about time the Home Office took an interest in trying to ascertain the exact numbers?

Sir Edward Leigh: Yes. I personally think—I put this in a half-hearted way to the Prime Minister in his statement a couple of weeks ago when I asked him why he was banging on about Polish immigration—that we are obsessing too much about east European migration. That is legal and understood. We have a fair idea of the numbers coming in, although there is a lot of dispute about the national insurance figures, which suggest that those numbers are far greater than is admitted by the Government. This matter has also been raised in Prime Minister's questions.

In this House we are obsessing too much about the Prime Minister's renegotiation and what he achieved and did not achieve, and forgetting what is in our control. It is argued that the Government can do nothing about migration from eastern Europe, unless of course we leave the European Union, but the issue of illegal migration is surely under our control, and it is now running at staggering levels. The people want to know what the Government are doing about it. What are they doing to find these people? My hon. Friend talked about the level of deportations. I think, off the top of my head, that he said that there were 12,562 deportations last year. Is that not an extraordinarily low proportion of the hundreds of thousands that I have been mentioning?

This is not just a matter of figures.

David Morris: If I remember correctly, the previous Labour Government gave two amnesties to illegal immigrants and asylum seekers who should not be here. Will my hon. Friend clarify whether the 2005 figures that my hon. Friend quoted since been superseded, or are they now completely irrelevant?

Sir Edward Leigh: That is precisely what I am asking. We now want an up-to-date study from the Home Office, but because we have such weak exit controls, the Government seem to have very little idea of what is going on.

Questions have been asked about this. On 18 January 2016, my hon. Friend the Member for Romford (Andrew Rosindell) asked

"the Secretary of State for the Home Department, what procedures are in place to ensure that illegal migrants to the UK are returned to their country of origin; and whether people deemed by her Department to be illegal migrants are only able to appeal that decision from their country of origin."

That seems to be a very fair question. To be fair to the Home Office, I will give the answer provided by the Minister for Immigration:

"The Home Office continues to take action at every opportunity to prevent immigration abuse, pursue immigration offenders and increase compliance with immigration law including arresting and returning illegal migrants to their country of origin."

Yet another Immigration Bill is making its way through the House, but I do not think there is any point in passing more Immigration Acts if we are not enforcing the existing ones. The Minister's answer continues:

"The Immigration Act 2014 simplified the appeals system so that an appeal right only arises where a claim raising fundamental rights is refused, namely asylum, humanitarian protection and human rights claims. The Home Office has the power to require an appeal to be brought only once an individual has left the UK where the claim is clearly unfounded and where a person liable to deportation makes a human rights claim and it would not cause serious irreversible harm or otherwise breach human rights to require them to appeal from overseas.

The Immigration Bill seeks to extend the power to require an appeal to be brought from overseas to all human rights claims where an appeal from overseas would not cause serious irreversible harm or otherwise breach human rights. Similar provisions are set out in the Immigration (European Economic Area) Regulations 2006".

Will the Parliamentary Under-Secretary of State for Refugees explain the deficiencies of the existing Immigration Act 2014 in processing illegal migrants, and how would the new Immigration Bill make any difference?

Mr Chope: Perhaps my hon. Friend could also ask for an explanation of the implications of the judgment in the case of Mircea Gheorghiu, who has been allowed to come back into this country despite the Home Office's promises.

Sir Edward Leigh: Absolutely. The Parliamentary Under-Secretary of State can respond to that point.

The whole issue of migration, particularly illegal migration, is—I am sure that nobody would disagree with this—one of the most serious crises we face in Europe today. It makes it much more difficult to create a sense of community and cohesion in our democracy. Scandinavia is often held up as a paragon of social cohesion, but its countries' economies and their whole sense of the community of the nation are now under threat as never before. That Nordic model is based on high taxation combined with strong, high-quality service provision. If there is more and more illegal migration, and if the Government do not even know what is going on, it is much more difficult to create homogeneity among the population, which has been one of the keys to the success of the Nordic model.

People in our country, and even more so in Scandinavian countries, were content to pay high taxes because they obtained high-quality services and knew that those services were going to their own people, who were here legally. However, if we add very high levels of immigration to the mix, and if hundreds of thousands of people are here illegally, that relationship of trust between people—who were prepared to pay high taxes because they knew that everybody else was doing so and they were getting high-quality services in return—starts to break down.

The debate instituted by my hon. Friend the Member for Christchurch this morning is not just about statistics; it is about the very bedrock and nature of society. Society is a contract, is it not, between the people? We know who the people are, we know where they live and we know they pay taxes—we all pay taxes and get public services in return. However, when literally hundreds of thousands of people are living in this country illegally and the Government have no idea who or where they are, and only 12,000 are being deported every year, trust in the immigration system and the trust on which society relies gradually break down. That is why my hon. Friend's Bill is excellent and the Government need to respond to it.

11.24 am

Mr David Nuttall (Bury North) (Con): It is an honour and a privilege to follow my hon. Friend the Member for Gainsborough (Sir Edward Leigh), who has set out with his usual clarity and wisdom why this Bill is so sensible. I congratulate my hon. Friend the Member for Christchurch (Mr Chope) on promoting it, and I am privileged to be one of its sponsors.

The House should be made aware of my hon. Friend's determination in this matter. Members will recall that a very similar, though not identical, Bill was debated in this Chamber a little over two years ago. The situation that we find ourselves in today is much worse than it was then. Public opinion has certainly not improved since January 2014. It is worth reminding ourselves that that earlier Bill was tested among the public by Lord Ashcroft. He polled 2,013 individuals about what they thought of the measures, and 86% said that they agreed with them.

David Morris: I have to take exception with that, because the Ashcroft polls are not exactly accurate, as the last general election showed.

Mr Nuttall: I do not want to get into a debate about polling, but polls, as Lord Ashcroft frequently says, are not meant to be a prediction of the future. They ask people what they think of something at a particular time. The poll in question asked people not for a prediction, but for their thoughts on the measures. To that extent, it must be accurate to say that 86% of those who were asked said, "Yes, we think that the measures are sensible."

Mrs Sheryll Murray (South East Cornwall) (Con): Could my hon. Friend give an indication of the number of people polled?

Mr Nuttall: I did mention that briefly, but I may not have stressed it enough. The number was 2,013 and, if I remember correctly, without checking the notes, only 9% said that they did not agree with the measures, while the rest did not know. The positive figure of those who agreed was 86%.

David Morris: On the poll's accuracy, how many people did not take part? It has been found that more than 25% did not take part in previous Ashcroft polls, and that skewed the results considerably.

Mr Nuttall: I am sure that some people declined to take part in the poll, but even if we assume, which would be an erroneous thing to do, that everyone who refused to take part did so because they did not agree with the Bill, there would still be a substantial majority in favour of the measures. That is my point.

The subject of illegal immigration is pertinent largely because of the great play that was made by the Prime Minister and others before the 2010 election that the aim of the forthcoming Conservative Government—as we now know, the outcome was a coalition Government—was to reduce the amount of net migration from the hundreds of thousands to the tens of thousands. We heard that claim many times, and I very much support such an ambition and such an aim.

When one looks at the figures, one clearly sees why such an aim and ambition was necessary. The average annual net migration during the 2005 Parliament was about 247,000 or roughly a quarter of a million every year. The figures reached a high of 287,000 in the year ending June 2007, and fell to a low of 205,000 in the year ending June 2009. Was there a reduction in net migration following the 2010 election? Sadly, there was not. In the first year of the 2010 Parliament, net migration increased to 263,000 in the year ending June 2011. It fell a little for the following five quarters, falling as low as 154,000 in the year ending September 2012—the lowest estimated net migration in any 12-month period since the year ending December 1998.

Since 2012, net migration has risen again, reaching 336,000 in the year ending March 2015. That was about 89,000 higher than the annual average net migration during the 2005 Parliament, and it was the highest estimate of net migration in any 12-month period. Before the year ending March 2015, the highest estimated net migration was 320,000 in the year ending June 2005. The most recent estimate of net migration is 323,000 in the year ending September 2015. We have gone from having an annual average of about 247,000 during the 2005 Parliament to the latest figure of 323,000 for the year ending September 2015.

The figures for legal migration are not going in the right direction, so it is understandable, against that background, that there is even more focus on those who have arrived in this country illegally. As my hon. Friends the Members for Christchurch and for Gainsborough have already explained, we must ask ourselves why these desperate people in what the tabloids have called the "jungle" in Calais—I entirely agree with my hon. Friend the Member for Gainsborough that they will, I am sure, all have desperate stories of fleeing persecution—have not claimed asylum in France or, if they have come up through Spain, in Spain. Those people do not do so partly because of the pull factors, as they are so often called, such as our way of life in this country.

There is a whole range of reasons why people may want to come and live in this country. Our benefits system or our national health system may well bring them here. One reason why they may wish to enter the country illegally is that they know there is very little chance of their being arrested, imprisoned and deported. That is the key point. It is extremely worrying that we have no official estimates later than those for 2005, in the study which has been mentioned, for the number of people who are in this country illegally.

Bob Stewart (Beckenham) (Con): From listening to the debate in my office and since I have been in the Chamber, it seems to me that, based on the figures, about one in 60 people in our country is here illegally. To put it more simply, someone on a London bus that is three-quarters full is here illegally.

Mr Nuttall: That is a very nice way of putting it. My hon. Friend makes a good point. It will be interesting to hear the Minister's response to such points.

One must question why there has been no more recent study. Of course—but I am sure I must be wrong—the reason why there are no more recent statistics may be that Governments of both colours do not want to know the answers. That is the truth of it, is it not? Nobody wants to investigate this problem because if the truth comes out that there are 1 million people in this country illegally, it would be so shocking. No one dares face up to that fact.

It is worth making the point—this is not a criticism, so I think I am in order, Mr Deputy Speaker—that the hon. Member for Birmingham, Erdington (Jack Dromey) claimed back in 2005-06, when he was employed as deputy general secretary of the Transport and General Workers Union, that about 500,000 illegal immigrants were working in this country. I have no reason to disbelieve the analysis he made some 10 years ago. In view of the figures I gave for what we might call authorised migration—legal migration—it is reasonable to assume on that basis that illegal immigration has also increased.

The Bill is not about reducing migration and this debate is not about our involvement with the European Union and the fact that our membership allows the free movement of people under European treaties, but free movement has an impact on illegal migration. Free movement makes it necessary for Governments to clamp down on migration from countries outside the European Union, making it much harder for people from such countries to come into this country legally, so there is an increased inducement for people to try their hand or to have a go.

Sir Edward Leigh: We have the absurd situation that someone from Romania who does not work here and will never want to work here can come to this country, but a most distinguished American professor of Shakespearian literature—one of the most distinguished people in the world—who came to Stratford-upon-Avon to talk about Shakespeare but stayed a few days too long, was arrested, frog-marched to a police station and deported. It beggars belief that we are preventing research

scientists and nuclear physicists from India or America from coming here. Mass migration from the EU is therefore pertinent to this debate, because people are so frustrated and that is leading to all this illegal immigration.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. I am glad that Sir Edward has given his ruling, but I will give mine. He may think his intervention was pertinent to this debate, but I do not think it was. The EU has been mentioned and there has been a discussion around it, but I do not want this debate to be dominated by the EU. As has already been said, migration from the EU is legal, but this debate is about illegal immigration. I welcome Sir Edward's rulings when he chairs Committees, but today I am in the Chair.

Mr Nuttall: Thank you, Mr Deputy Speaker. I thank my hon. Friend for his anecdote.

In an earlier intervention, I referred to exit checks. I think that the point I made is a valid one. Although I accept that, as my hon. Friend the Member for Christchurch said, many illegal immigrants will not have the necessary papers and will therefore not be able to leave through the normal channels, there will be many who do have papers and are therefore able to leave the country. There must be some evidence. It may well be that the Minister is able to say, "There's no problem. Every single person who has left and on whom we have done an exit check was here legally, and not a single person whom we have come across was not meant to be here." That may be the finding, but I would be interested to know the figures.

When the Bill was debated the last time, one of the arguments against adopting the measures in the Bill, which I thought was a weak argument, was that it was too expensive to do anything and much easier to allow people to go about their business, and that when the Home Office could get around to it, it would deal with the problem. That re-emphasises the point that people will take a punt. They will come here on the basis that their chances of ever being detected are fairly low, and that if they just keep their heads down, they will not be locked up or deported.

The other argument put forward by the Minister at the Dispatch Box was that the Bill had no merit because it replicated measures that were already in statute, in particular the Immigration Act 1971, so there was no need for those in the Bill. That is all very well. My hon. Friend the Member for Christchurch mentioned that fewer than two people a week have been prosecuted under the 1971 Act. I think that he gave the figure of 72 in a year. Can the Minister confirm, as a matter of interest, that everyone who was prosecuted was deported? That would be an interesting fact to know.

We are in a similar situation today to that of two years ago when, as luck would have it for the Government, the 2014 Immigration Bill was going through Parliament. Another Immigration Bill is going through Parliament at present, which contains a provision to make it a criminal offence for an illegal immigrant to work in this country. If, apparently, the 1971 Act provides sufficient penalties to deter people from being here at all, it would presumably cover the situation of their working here illegally. Let me put that another way. Can the Minister think of any circumstances where someone who is prosecuted under the new Immigration Bill could not already be prosecuted for being here illegally under the provisions of the 1971 Act?

Most of our constituents would consider this Bill sensible. I accept that it is not easy to calculate the number of illegal immigrants in this country. It appears that no attempt has even been made for more than a decade. But to try and brush the issue under the carpet because it is too difficult is not the way forward. We have to tackle the matter. The Bill is a modest measure, but it is one that would be welcomed across the country, and I am pleased to be able to support it.

11.45 am

Lyn Brown (West Ham) (Lab): It is a great pleasure to be here again on a Friday morning. I always enjoy these moments. The memories of them will last me into my old age.

I was worried that we would not get to this Bill today—after all, we had two Report stages and Third Readings beforehand. However, the hon. Member for Christchurch (Mr Chope) was kind enough to talk to me and reassure me that we would indeed have the opportunity to discuss his Bill. In fact, he was kind enough even to tell me what time I would be speaking, and he was 10 minutes out. What can I say? I was here in decent time and I am grateful.

Mr Nuttall: Was that 10 minutes early or 10 minutes late? Should I have extended my remarks?

Lyn Brown: It is always a pleasure to listen to the hon. Gentleman. An extra 10 minutes would have taken me to the time that the hon. Member for Christchurch told me I would start.

Mr Nuttall: I was cut short!

Mr Deputy Speaker (Mr Lindsay Hoyle): By himself.

Lyn Brown: Illegal immigration is an extremely important issue. On the face of it, this Bill is about discouraging illegal immigration by implementing tougher sanctions against illegal migrants. Regardless of the rights and wrongs of the case made by hon. Members this morning, I do not think the Bill will actually work. I say it gently. The Bill would further complicate an already over-complicated immigration system. It would create yet more bureaucracy, and the hon. Member for Christchurch is normally the scourge of bureaucracy. It would create more obstacles for the authorities trying to remove people and more work for our overstretched police officers and border control people. Moreover, in many cases it would create huge disincentives for overstayers to depart from the UK voluntarily, and it would lead to inappropriate criminal prosecutions against vulnerable victims of human trafficking and modern slavery.

Before I go on to talk about the Bill, I want to say for the record that I believe that immigration has greatly benefited the UK. I know how much immigration has contributed positively in my constituency to our cultural and economic vibrancy. As someone who relies on the NHS, like everybody in this Chamber, I am so grateful for the immigrant doctors, nurses and healthcare workers who have treated me so well over the past couple of years and without whom we simply would not have an NHS.

Sir Edward Leigh: Of course, the hon. Lady is not in any way defending illegal immigration or saying that it has a benefit.

Lyn Brown: I certainly am not.

It is a fundamental British value to recognise the needs of those fleeing war and persecution. I believe that the UK should take more refugees fleeing the horrendous war in Syria, especially the children who are so vulnerable and are experiencing conditions that most of us cannot even imagine.

Having said that, I will start with the central premise of the case the hon. Member for Christchurch put for presenting the Bill: the idea that illegal immigrants can be in the UK with impunity. I say gently that I genuinely do not believe that his argument holds up. For a start, there are a whole number of criminal offences relating to illegal immigration. It is worth mentioning a few of the existing offences: entering without leave, obtaining leave by deception, remaining beyond the time limited by leave, failing to observe a condition of leave, assisting unlawful immigration, facilitating entry for gain, assisting entry in breach of a deportation or exclusion order, sham marriages and identity document offences. There are a whole bunch of others, but I did not have an awful lot of time between the publication of the Bill and preparing my notes for today, so I hope he will allow me to stop there.

I do not think that we have heard an example today that does not fall within one of those offences. Even if the hon. Gentleman did manage to find someone who had voluntarily and purposefully entered the UK illegally or overstayed illegally, but did not qualify for one of those offences, I say gently that it would not mean that they were able to stay in the UK with impunity. I think I should clarify what I mean by that. For me, impunity implies an ability to act without facing punishment or detrimental consequences. Just because an action does not result in a criminal sanction does not mean that it can be done with impunity.

Sir Edward Leigh: If the law is adequate and we do not need an extra law, why was the chap who walked through the channel tunnel to arrive in Dover not sent straight back to France after the initial arrest? He was not even prosecuted and was allowed to remain here. If the law is adequate, why could we not arrest this chap and, ultimately, deport him?

Lyn Brown: I say to the hon. Gentleman that the laws are there. It is the way in which they are used and implemented that is in question. I genuinely do not have enough facts about the circumstances of that case to offer an opinion, but I am sure the Minister will be able to do that for him.

Those who are in the UK illegally do face a sanction: deportation. For those who are desperate to be in the UK, the threat of deportation is a massive threat that hangs over their heads and the heads of their children every day of their lives. In reality, the Bill would not alter the incentives for those who are considering entering or remaining in the UK illegally.

I say gently to the hon. Member for Christchurch, whom I genuinely like, that at best the Bill would be superfluous. However, I think it might also be harmful, as it would distract from the efforts the authorities are already making in respect of immigration. The more we look at the contents of the Bill, the more apparent it becomes that it would add additional processes and unwelcome bureaucracy—an outcome that I do not think would be welcomed by the hon. Gentleman, given his record as a champion of cutting bureaucracy.

I am sure that it is not intentional, but one thing that I can commend the Bill for is its brevity. There are three simple clauses. It has a simplicity that I really wish existed in the immigration system. As any MP who has dealt with immigration casework knows, the immigration system is not simple.

What we end up with is a Bill that would not fix the problem. It would criminalise everyone who does not receive a positive decision that gives them legal authority to be in the UK, but that ain't how the immigration system works. Numerous people in the UK are awaiting an immigration decision. Those people do not have legal authority to be here, as defined by the Bill. For example, a student might fall in love—it is only just past Valentine's day—get married and apply for a spousal visa. That can take months. During that time, the Bill would criminalise her. Alternatively, an asylum seeker might appeal against a refusal of leave to remain. There is a very high level of successful appeals—I think it is roughly 30%—so the Bill would catch out fairly large numbers of people. As drafted, the Bill has complete disregard for due legal process.

Another major flaw in the proposed legislation is that it creates an offence of strict liability: that is, there is no excuse for being here illegally. Even if a person had good reason to believe that they had a right to be in the UK or had no choice about being in the UK, they would still be committing an offence. Take, for example, a family on holiday whose flight departs the day before their visa expires. If their flight was delayed because of bad weather—we know that these delays can be protracted; just think of Iceland's exploding volcano—the family would be in the UK illegally. They would, if the Bill were enacted, be committing a criminal offence and there would be no defence open to them under the proposed legislation.

A similar situation could occur with a high-flying City lawyer—the type of person all of us believe we should be attracting to the UK. *[Interruption.]* I am speaking for myself! Let us imagine that this American lawyer was working for a UK magic circle firm and their employer was responsible for renewing their visa, but forgot to do so. When the lawyer tried to return to the UK from a business meeting in Amsterdam—I am citing a real case—it transpired that they had been in the UK illegally. The Bill would provide no excuse for that person. They would have committed a criminal offence.

In some cases, the prosecution would actively detract from efforts to deport an illegal immigrant or an illegal overstayer. Hundreds of failed asylum seekers return voluntarily every year, either because they have become fed up of living in the shadows in Britain or because the situation in their home country has improved and they are desperate to return home to be reunited with friends and family, and to live in a familiar culture. The Bill would discourage such people from doing so, because it would mean that they faced prosecution.

Finally, I turn to a type of prosecution that would be highly inappropriate: the prosecution of human trafficking victims who are brought to the UK against their wishes. Every year, thousands of people are brought to the UK and exploited for a whole number of reasons. I will talk about one case that came to my surgery. It is the case of a woman who entered the country illegally to be married to a man she had met only a few times. The marriage

did not go well. She was beaten and regularly abused. Humiliated and fearing for her life, she ran. She ran to the people in her own community and thought that they would protect her, but they did not. They let her husband know where she was and he came for her, dragged her on to a plane and took her back to her village and her parents.

The woman's parents tethered her, like a goat, outside the home. She was there for three nights with nothing to eat or drink. Children from the village sneaked her water. Her family were discussing what to do with her. They wanted to kill her, because she had brought dishonour to the community. The head of the village intervened. He brought a man to talk to her father. That man persuaded her family to let him take her away. She regards him as her saviour, which perhaps in a way he was. He saved her life, he brought her back to the UK, and he found floors for her to sleep on, and mattresses in the corner of factories that his friends owned. They gave her food and drink, and in return and in gratitude for the shelter, she worked in their factories across the country for more than a decade. She did not come to my surgery because she thought she was a victim of violence or modern-day slavery; she came because she was worried that she would be deported back to her family to be slain. She would be criminalised by this Bill.

One key threat that traffickers use to control their victims is that the police will arrest them. I have heard of pimps who dress up as police officers to rape the women whom they coerce, and of stories told to Vietnamese children who have been trafficked to the UK to work on cannabis farms, that the police are out to get them. If the Bill came into force, the traffickers would be right, and the police would be obliged to arrest and prosecute those children. Regardless of whether an individual is a child or a trafficking victim, under the Bill they would be committing an offence. In all such cases, criminal prosecution adds nothing to the desired outcome of reducing illegal immigration, about which there is a real issue.

Under this Government—the Government who all those sponsoring the Bill support—we have seen big cuts to the police and Border Force. More illegal immigrants have absconded, and fewer have been deported while the backlog of information on cases is not being pursued. Under this Government the number of illegal overstayers passed the 300,000 mark. The House of Commons Library—bless 'em—has worked on those figures for me because I asked for them yesterday. It tells me that, as of December 2015, the figure of overstayers and illegal immigrants in the country is 217,000. We need a Bill that will properly resource the UK Visas and Immigration service so that it gets through the backlog of unresolved cases.

Mrs Sheryll Murray: The hon. Lady has just quoted those figures, but earlier she mentioned various scenarios where someone could be in this country but not through their own fault. Do those figures include people who are overstayers although that was not their intention?

Lyn Brown: I think I am right in saying that given the nature of criminal gangs that traffick people in and out of this country, we do not know how many such people there are. I can only provide the official figures that the House of Commons Library gleaned from Home Office official publications. I have nothing else at my disposal.

I say to my friends in Friday sittings that we need a Bill that backs Labour's call for greater enforcement and tougher punishment for employers who employ illegal immigrants and pay their staff way below the minimum wage. We need a Bill that bans recruitment agencies that exclusively advertise jobs abroad, and a Bill that makes it an offence to exploit immigrant workers and undercut British workers. If the hon. Gentlemen who entertain me and exercise my grey cells on Friday mornings are looking for guidance on how those policies might work, I suggest that they follow the lead of the Prime Minister and have a go at reading Labour's manifesto.

12.2 pm

The Parliamentary Under-Secretary of State for Refugees (Richard Harrington): It is always difficult to follow the hon. Member for West Ham (Lyn Brown), and before I get to the Bill, I will reply to her initial remarks about those Friday mornings that she will remember until the day that she becomes old and grey. On some Fridays that I have been here, that has actually happened during the morning itself, but she is—and looks—a lot younger than me.

On a more serious note, I agree almost entirely with the first part of the hon. Lady's speech, because while we perfectly understand the intentions behind the Bill, it hugely oversimplifies a complex situation. I will try my best to answer some of the questions that she and other hon. Members have raised—I note that after midday on a Friday the ageing process happens more quickly than beforehand.

My hon. Friend the Member for Christchurch (Mr Chope) has introduced a similar Bill on three occasions, and he recently sought to table new clauses to the Immigration Bill on Report. He will not be surprised to know that part of my response today will be along similar lines to the reply given on that occasion by my hon. and learned Friend the Solicitor General, but the Bill does raise important issues about migration, and specifically illegal migration.

I recognise—I think we all do—that legal migrants make an important contribution to our society. It is only right that those who are here illegally and do not have valid leave to be in the country should return home. If they do not do so, it is vital that they can be removed quickly and easily. Illegal migration remains a key priority for the Government. I believe we have taken significant steps to strengthen the border immigration system, including in respect of who is allowed to enter the United Kingdom and who is allowed to remain here. The Prime Minister said, so it must be right—I cannot say it is a good career move, but I will quote him anyway:

> "That starts with making Britain a less attractive place to come and work illegally…The truth is that it has been too easy to work illegally and to employ illegal workers here."

I commend the intention behind the Bill, but I do not believe that the measures it contains are necessary. I agree that it sounds like a simple and superficially attractive solution to the problem, but it is the Government's contention that the issue is much more complicated.

My hon. Friend the Member for Gainsborough (Sir Edward Leigh) used the expression "like a child's game" to describe what happens now with illegal immigrants. He gave the impression that it is a sport,

[Richard Harrington]

whereby people find their way into the country and are not deported or do not face criminal sanctions because they give themselves up. They are not treated as he would like them to be. Anyone who has seen these people and their plight, however, would not think it is a game at all. I contend that for all the reasons that would stop them coming here, the possibility of being arrested and receiving a £5,000 fine and six months in prison would not in any way be a deterrent. Where would they be deported to? Deportation sounds easy and a common-sense thing to do. Some may want to make use of the hon. Member for West Ham's top-flight magic circle lawyer and send illegal migrants back to whatever country they came from. The truth, however, is that most have no place to be deported to. I accept that under the Dublin convention they can be deported to the country from which they came, but I think most would accept that that is no answer.

Sir Edward Leigh: I am afraid it is an answer and the Minister needs to address this point. People cannot understand why, when someone has travelled through perfectly safe countries such as Spain, France or Italy to the UK and are caught, they cannot be sent back to France and claim asylum there.

Richard Harrington: Without going into the complexities of the Dublin convention, it is just not possible in many cases. I will come on to argue that the pull factors that cause people to come here make the threat of deportation, a fine and a few months in prison irrelevant.

Mr Chope: Germany is deporting tens of thousands of failed asylum seekers and economic migrants even as we speak. How is it possible for Germany to do it and not us?

Richard Harrington: I do not believe that Germany, with the images that people see of migration into Germany, is a very good example for the hon. Gentleman's case.

The Government have strengthened the legal framework provided by the original Immigration Act 1971 and other legislation. The Immigration Act 2014 put in place a series of fundamental reforms to ensure our immigration system is fairer to British citizens and legitimate migrants, and tougher on those who seek to abuse that system. That is separating the difference between legal, legitimate people and people who are abusing the system. It contains a number of measures that make it significantly harder to live illegally in the United Kingdom. It is no longer a straightforward matter for illegal immigrants to secure a driving licence, for example, and enjoy the privilege of being able to drive and the advantage it brings in securing a settled lifestyle. Applicants have to demonstrate that they are in the UK lawfully, and the same can be said for access to financial services, which can be denied if it is known that the people are in the UK unlawfully. A bank account can be very important for living, working and being paid illegally just as it is for those things legally.

Mr Chope: Will the Minister give way?

Richard Harrington: I would really like to make some progress because time is moving on.

Landlords are liable to a civil financial penalty if they rent accommodation to an illegal migrant without making the checks. I realise that these particular points can be criticised: some people think they are marginal; some people think they will not be enforced or that the onus will be put on the wrong people. I have heard an argument in this Chamber about whether landlords should be police officers. The point is that these issues are all part of the measures that are being rolled out to make it more difficult for illegal migrants to rent property.

These issues are all pull factors. People come here because they think they can live a better life, as has been said and accepted, or a safer life, as has been said and accepted. Through the different programmes sponsored by the Government, all those things are accepted.

One of my ministerial responsibilities is for our Syrian refugee programme, and I would like to thank Members of all parties for supporting it. Some people have lobbied us to take more, while a few argue that we should not take as many. Most people recognise the Government's policy of treating the refugees that we do take in an honourable and decent way, allowing them to work straightaway, for example, and all the other things that go with it. What we are talking about here are illegal migrants.

A particularly relevant point to the arguments relating to today's Bill concerns the Immigration Act 2014, which also streamlines the removal process for people who are unlawfully in the UK. It does so significantly by reducing and restructuring the migrant's right of appeal.

Bob Stewart: If we are streamlining things, why is it that only just over 12,000 people were deported from this country last year, which seems an extremely low figure?

Richard Harrington: Given the date of the Immigration Act 2014 and the points I have made, it is too early to tell. Things are being rolled out only this year because of the process of having to get the Act into law, consulting on issues and all the things that go with it. There is no question, however, but that the process for removing people, reducing and restructuring the migrant's right of appeal and the new powers to investigate suspected sham marriages and civil powers, together with extended powers for information sharing, will make a significant difference.

The current Immigration Bill is going through the other place at the moment and it builds on the foundations in the 2014 Act. Its purpose is to tackle illegal immigration by making it harder to live and work in the UK, and it specifically makes working and driving as an illegal immigrant a criminal offence. So criminal sanctions are relevant to some parts of the process. The Government do not deny that; it is logical. That does not mean, however, that the Government should support the simple and brief Bill before us. I commend the sponsors for its brevity, but because of some provisions relating to criminal offences, it does not support the overall principle claimed for it.

The Government are clear that the ability to work is the real driver for illegal migrants coming to the UK. I have spoken to many of the Syrian refugees and I know that all they want to do is work. This is not a benefits culture; most of the people who come here—certainly

the Syrians I have spoken to—regard benefits as a form of begging in the street, and it is the last thing they want to do. Nevertheless, as the hon. Member for West Ham argued, illegal working undercuts legitimate business; it undercuts minimum wage legislation; and it breaks all sorts of workplace regulations, for which people have fought here for more than 100 years. I truly believe that illegal migration is bad for people in this country; there is no question about that from an employment point of view. It can deprive British citizens and lawful migrants of jobs that should be theirs.

Mr Chope: I once moved a motion in the Parliamentary Assembly of the Council of Europe suggesting that asylum seekers in European countries should be allowed to work. We do not currently allow them to work in this country ab initio. Surely, if we allowed them to work, we would give people an incentive to apply for asylum immediately, and if their claims were refused, we would be able to require them to leave.

Richard Harrington: My hon. Friend is right: our policy is not to allow asylum seekers to work until their legal status has been decided, but we have tried to shorten the intervening time. I should make clear that those who are covered by our humanitarian protection programme are allowed to work with no interregnum, because their status was sorted out when they were given their visas in the first place. However, I think we would all agree that, whether their applications are successful or not, the period during which asylum seekers do not know where they stand is too long. Given that they are also a burden on the United Kingdom taxpayer because they receive significant assistance from the state—although some might argue that it is not enough—it is in everyone's interests to ensure that their status is determined very quickly.

We are taking further steps to limit the factors that draw illegal migrants to the United Kingdom. We have, for example, created a role for a director of labour market enforcement, which extends the powers that are currently available to the Gangmasters Licensing Authority. We are also amending the criminal sanction for employing people unlawfully in the United Kingdom, which will make it easier to bring prosecutions. For the first time, rogue businesses will face a real possibility of imprisonment for repeated or serious breaches of labour market legislation. At present, many such breaches are punishable through a fine, which the businesses involved regard as merely a cost of working, almost as we regard paying tax or any of the other normal working expenses. That is outrageous, because they are committing a criminal offence.

We are improving immigration enforcement by imposing tougher conditions on illegal migrants, denying them further access to services including housing and banking, and giving more powers to immigration officers conducting enforcement operations. The Immigration Bill will enable landlords to obtain possession of their property when their tenants no longer have a right to rent. We are also creating four new criminal offences to target rogue landlords and agents who deliberately and repeatedly fail to comply with the right to rent scheme, or fail to evict individuals who they know—or have reasonable cause to believe—are disqualified from renting as a result of their immigration status.

We are dealing with rogue employers, just as we are dealing with rogue landlords and driving by illegal immigrants. Many people have been taking advantage of the present system, but they will no longer be allowed to do so, and will face criminal sanctions. It will be possible, for instance, to close business premises for up to 48 hours when an employer has already incurred a civil penalty, or has been prosecuted for employing illegal workers. We are attacking the infrastructure that currently surrounds illegal immigrants: we are attacking every aspect of their lives that is illegal. More important, we are attacking those who actually perpetrate the illegality. For example, the Bill makes illegal working a criminal offence in its own right, because we think that that is sensible.

Mr Nuttall: Will the Minister now answer the question that I asked earlier? In January 2014, he said that these provisions were not necessary because they were in the Immigration Act. If someone who is in the country illegally can already be dealt with under the Act, what is the point of creating a specific offence?

Richard Harrington: I did answer my hon. Friend's earlier question, and I will answer this question in the same way. We are talking about the combination of an existing Act and a Bill that is going through Parliament. As I have just said, the Immigration Bill will make illegal working a criminal offence in its own right, and that will cover self-employed as well as employed people. Moreover, it will be possible for wages paid to illegal workers to be seized as the proceeds of crime, through the activation of powers conferred by the Proceeds of Crime Act 2002.

There seems to be an argument that we need this Bill because the Government are doing nothing, and because there is complete anarchy relating to illegal immigration. The European Union referendum came up quite a lot in the earlier part of the debate, and I accept that that discussion would have been stopped if we had been under your supervision, Mr Deputy Speaker. Your predecessor in the Chair—Mr Speaker himself—was perhaps more tolerant on this issue. [Hon. Members: "Ooh!"] I did not mean the issue of whether we should remain in the European Union; I meant the issue of whether this debate should be expanded to cover that subject.

I always listen very carefully to my hon. Friend the Member for Gainsborough. He centred a lot of his speech on Europe and on the consequences of leaving the EU that French Ministers have been mentioning recently. I do not think that that is relevant to this debate. I think it was my hon. Friend the Member for Tonbridge and Malling (Tom Tugendhat) who said that if we were not in the EU, we would have to have different relations with France anyway and everything would need to be renegotiated. So I am slightly confused about this. What does my hon. Friend the Member for Gainsborough think an illegal immigrant is? No one could possibly say that all the people from Europe who are here at the moment, including the Polish people who have been mentioned, are illegal immigrants. Would they become illegal immigrants? It has been made very clear that they are all coming here to work.

Sir Edward Leigh: The Minister must not try to put words in our mouths, because this is a really important subject. Nobody in the leave campaign is suggesting

[Sir Edward Leigh]

that people from Europe who are already legally resident here should in any way become illegal immigrants. There is no suggestion of that at all.

Richard Harrington: I can assure my hon. Friend, out of personal respect for him, that I would not suggest that. He has accepted, however, that all these Polish people come here to work. If they came here to work in the future, would they suddenly become illegal immigrants? I am not sure, and I do not think it does the Bill any good to confuse the issues.

Mr Chope: As the Minister rightly says, this is a Bill about illegal migrants. Can he tell us how many illegal migrants there are in the United Kingdom at the moment?

Richard Harrington: Strangely enough, I cannot say exactly—*[Laughter.]* This is the serious answer to a question my hon. Friend tabled asking the Home Office to produce more recent estimates of the numbers of illegal immigrants. I believe that he quoted a report from 2005. I was going to answer that question by not answering the question exactly, but by explaining that there are no official estimates of the number of illegal immigrants in the UK because, by definition, the clandestine nature of their presence makes that very hard to estimate.

So what are we doing about this? We have taken action in the Immigration Act 2014 to collect exit data, which my hon. Friend the Member for Bury North (Mr Nuttall) mentioned earlier. Such data have not been collected in the past. Collecting data on those leaving the country will give us a clearer picture of the number of those who enter legally but overstay their visa. I hope that my hon. Friend the Member for Christchurch will accept that partial answer to his question, even though it is not the full answer that he wanted. In fact, he already knew the answer to his question. Like all good barristers, he knows that you should never ask a question to which you do not know the answer. He was still right to ask it, but he knew the answer in advance.

I am slightly confused by the points that were made about the Calais situation. It is perfectly legitimate to discuss that situation in the context of illegal immigrants, but I do not accept that the clauses in the Bill would prevent migrants from gathering in Calais in an attempt to reach the UK. I do not accept that basic premise. I accept the fact that people have a perception of this country as El Dorado, but they would not say to themselves, "I can come in illegally and do everything that I want but, oh, I might get a £5,000 fine and six months in prison so I won't do it." I do not accept that.

We are working closely with the French authorities to strengthen security at the French ports, and we are taking firm action to try to reduce the pull factors that make the UK attractive to these illegal immigrants. I cannot accept the premise that putting more and more people in prison would suddenly make people stop coming here. We would need some pretty big prisons. However, I agree that getting rid of the incentives and the factors that make people think they can come here illegally and have a sort of permanent life outside the system is a pretty big intention.

I am conscious of the fact that time is moving on. I have gone through many of the points in the Bill, including the extra powers that an immigration officer will have.

The hon. Member for Gainsborough asked about the carriers' liability and whether it applies to the channel tunnel. As he knew already, it does not currently apply to train operators in the channel tunnel.

Sir Edward Leigh: Why not?

Richard Harrington: Well, we are keeping the policy under active review. *[Interruption.]* Members may mock, but in a democracy one reviews and assesses a problem before taking action. Perhaps, before these people even get on a train or are deported, we could consider a six-month prison sentence, or a £5,000 fine; I do not know. The Government are reviewing the matter to see what action is appropriate. They will take action where the threats of illegal immigration justify it. Having seen what happens every night in Calais, I do not think—forgetting the merits of the situation—that putting these people into prison, fining them and saying that they will be deported will prevent them from what they are doing. None the less, our arrangements with France are beginning to work, and the French authorities have been extremely co-operative.

In addition to the changes in the laws, we are ramping up the whole of Government's approach to controlling immigration. We are trying to deal with the fact that Government activities have been compartmentalised. My own appointment in relation to Syrian refugees covers three Departments. If I ever was a tiny footnote in history—one may very well argue that I will not be—it could be that I am the first Minister in history to cover three Departments. I am sure that we would all support greater co-ordination across agencies in Government to ensure that, where we identify illegal working, we extend our enforcement reach and apply the full range of sanctions available against illegal migrants and rogue employers.

We have shown that we will create additional criminal offences when we perceive there to be a need. However, I believe that adequate criminal sanctions and removal and deportation powers to deal with illegal migrants are already in place in the existing immigration legislation and the legislation that is going through Parliament. We are talking about serious criminal offences, and they will be dealt with through the criminal system. I could go through them at length, but my hon. Friends know them, as they took part in proceedings on the Immigration Bill and other such measures.

There are many different criminal offences, which, in the past, were treated as civil matters, the sanctions for which were so light that they did not have any effect at all. That is where there is a fundamental difference now.

The Bill proposes a power of deportation. The deportation would be mandatory, whatever the circumstances, unless the Secretary of State, who, I can assure Members, is pretty busy, intervened to say that deportation was not in the public interest. I must explain that deportation is a power that is reserved for those who have been convicted of a crime in this country and for those, such as those involved in terrorist cases, whose presence in the country is not considered to be conducive to the public good.

The Immigration Act 1971 sets out the power for the Secretary of State to deport an individual where it is deemed to be conducive to the public good, or where there is a court recommendation for deportation. The UK Borders Act 2007 further sets out that, subject to exceptions, when a person is sentenced to at least 12 months' imprisonment the Secretary of State must make a deportation order against the criminal. That means that neither people entering the UK illegally nor those remaining in the country without leave are persons who are liable to deportation. The Bill would seek to remedy that, but it does not take into account the fact that immigration legislation provides for adequate removal powers for illegal entrants and overstayers without requiring a costly prosecution first, for what are minor offences in the overall scheme of immigration offences. We have always preferred migrants to depart voluntarily as it is better for the migrant, allowing them to leave on their own terms, and much more cost-effective for the Home Office. We will pursue enforcement action against those who are not prepared to leave voluntarily, but we do have human rights obligations.

Bob Stewart: From the public's point of view, someone who comes into this country illegally has committed an offence and should be deported forthwith. The Government do not seem to have the drive to do it, judging from the Minister's reply.

Richard Harrington: The Government certainly, to use my hon. Friend's words, do not "have the drive" to have a unilateral and automatic policy and power of deportation in criminal action whatever the circumstances; that is true.

I do not believe, therefore, that the measures proposed by my hon. Friend the Member for Christchurch are necessary for the prevention and punishment of illegal migration, and for the reasons I have outlined the Government cannot support the Bill.

Mrs Sheryll Murray: Will my hon. Friend give way?

Richard Harrington: I have finished.

12.31 pm

Mr Chope: I am grateful to everyone who has participated in the debate, particularly my hon. Friends the Members for Gainsborough (Sir Edward Leigh) and for Bury North (Mr Nuttall), who are sponsors of the Bill. I much enjoyed the speech by the hon. Member for West Ham (Lyn Brown) from the Labour Front Bench. I listened with interest to the Minister's response, but at the heart of what he was saying, particularly at the end of his speech, was the view that a person who enters this country illegally should be enabled to profit from their illegality by being allowed to stay in this country and not being deported once they have been detected.

Bob Stewart: Unless they do something illegal.

Mr Chope: Unless they do something illegal, as my hon. Friend says. The Bill would make it clear that the very act of entering this country without authority, often by subterfuge and often after having paid people smugglers large sums of money, would in itself be a criminal act that would merit a deportation, except in the most exceptional circumstances when the Home Secretary determined that it would not be in the public interest.

There is at the heart of this debate a fundamental difference between the approach that I and my hon. Friends would like the Government to take and the one that the Government are taking. My right hon. Friend the Prime Minister and the Conservative party, in its manifestos both in 2010 and 2015, promised that we would reduce net migration to the tens of thousands. In the light of today's debate, I think that promise needs to be rephrased—we should promise that we will, in the future, reduce illegal migration to the tens of thousands. We already have illegal migration in excess of the tens of thousands—more than 100,000 illegally here. The Minister does not dispute that, so why do we not concentrate on trying to get rid of those people, because we are a million miles away from ever being able to implement the pledge to reduce all migration, both legal and illegal, to the tens of thousands? It has come through very strongly in this debate that the Government are not controlling the things that they could control.

The EU aspect has been brought out in the debate, but the charge of indifference brought against the Government—I know the hon. Member for West Ham also brought it—to some of the key issues has been well made.

The hon. Lady said that my proposals were very bureaucratic, but the people who are here illegally are being exploited and they are vulnerable. Although they are not being prosecuted, under the existing legislation they could be. The fact that they could be prosecuted if they are shopped by the people who control them makes them not want to put their heads above the parapet.

The current levels of illegal immigration are enabling the people traffickers, the exploiters and the pimps to carry on their business, and that is creating a whole underworld of crime. I would have thought that the Home Office was more interested in trying to address that. The Bill would enable all the people currently in that underworld to come forward before 1 July and admit that they are here, and under this legislation they would then not be guilty of a criminal offence. That would send out a clear message to people trying to get into this country that they need to do so before the Bill becomes law, but after that there would be a strong deterrent effect. The Bill would indeed be a fresh start.

The hon. Member for West Ham said that there are 207,000 overstayers—the people who came here legally but are no longer entitled to be here and should have gone back to where they came from. What is being done about them? The Minister puts his arms up, metaphorically, and says, "Well, where are we going to deport them to?" What is absolutely clear is that they do not have the right to be in this country. The hon. Lady referred to some interesting constituency cases, and if someone has overstayed by mistake, we should in most cases be able to rectify that pretty quickly. At the moment, the authorities tend to pick on those people for an oversight in order to demonstrate to the wider world that the Government are taking the issue seriously. The Government are picking on the hapless people who have made a small error. I had a constituency case the other day of a person who accidentally submitted five months of wage slips as evidence, rather than six months. They have now been told that they have to go back to wherever it is and make a fresh application, with all the associated expense. The Government are incredibly petty in dealing with

[Mr Chope]

the good people who have made a slip, and they are incredibly poor at dealing with the real villains.

That would all be put right if the Bill received its Second Reading today. However, I fear that it is too late in the Session for the Bill to have a realistic prospect of getting on to the statute book. I therefore seek the leave of the House to withdraw the motion. In so doing, I want to say that I will bring the issue back again, because this is an issue about which the people feel very strongly, and so do we.

Motion, by leave, withdrawn.

European Parliament Elections Bill

Second Reading

12.38 pm

Mr Christopher Chope (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

I hope that this Bill will shortly be made redundant, because if we leave the European Union we will have no more European Parliament elections. We will then be able to centre our democracy on this Parliament, rather than having to defer to the Parliament of a supranational body. I will go no further than that, the Minister will be pleased to hear, in the debate about the European Union. In any event, those who are elected to the European Parliament should be properly accountable to their electors, but the existing system gives too much power to political parties and lists, and not enough to the people.

Mrs Sheryll Murray (South East Cornwall) (Con): Does my hon. Friend agree that the allegiance of those elected to the European Parliament is to their party or group in that Parliament, not their national Governments?

Mr Chope: I am not sure that I do; if that is the situation, it is very unsatisfactory. Members of the European Parliament should be elected to represent their constituents, just as we are, but as soon as people become European Commissioners they have to give up their allegiance to their home country and do everything in the name of the Commission.

There are some good examples of Members of the European Parliament who are acting in their constituents' interests. I hope that many more will do so. The Bill would help to facilitate that, as its purpose is to ensure that there is a system of open rather than closed lists. Anyone whose candidature was put before the electors could have a cross put beside their name and the elector would not just be ticking a list for a particular party membership.

At the moment, someone who wants to vote Conservative in the European elections in the south-west of England, where my constituency is, will have no say over the order of preferences for Conservative candidates. Someone who thinks that the fourth or fifth candidate on the Conservative party list is the best has no opportunity of voting for them because the list has been sorted out by the party in private sessions and a Conservative vote is deemed to be for the first candidate—and, if there are sufficient votes, the second candidate and so on. That is completely different from what most would see as a fair election, in which they can choose the candidate for themselves.

The present system gives a lot of undue power to political parties and makes it more difficult for strong and independent voices to get elected to the European Parliament. It also creates all sorts of perversities—for example, if someone elected on one party list to the European Parliament chooses to change party, as often seems to happen, they retain their position in the European Parliament, but for the different party, without any opportunity for the electors in their region to select somebody else.

Bob Stewart (Beckenham) (Con): That system also seems to work here, which I think is wrong.

Mr Chope: It can work here, although my hon. Friend should remember the courageous move made by my hon. Friend the Member for Clacton (Mr Carswell). He said he did not wish to carry on as a Conservative Member and wanted to change his party allegiance. Before doing that, however, he sought the endorsement of the electorate in a by-election. That was a worthy approach. I hope that the mood is changing and that people will not feel that they can ignore the mandate given to them by their constituents and switch parties without reverting to their electors.

The Bill seems quite complicated in the sense that, although it has only three clauses, one clause has nine subsections, but I have been advised that that is the only way in which we can alter the existing system to introduce the open list system for elections to the European Parliament.

I look forward to hearing what my hon. Friend the Minister says. I expect him to preface his remarks by saying that he hopes we do not have any more European elections, but that, if we do, he can assure us that they are going to be more democratic than those we have had in the past.

12.45 pm

Wayne David (Caerphilly) (Lab): As has been correctly said, the system of proportional representation that we now have for the European Parliament elections was first introduced in 1999, and one of its key hallmarks is the fact that it is a closed regional list system. It is also worth noting that there is a very complicated—some Members would say so—system of allocation of seats to the candidates under the d'Hondt system, which is in place in many European countries and in the European Parliament itself. It is named after a famous Belgian gentleman, I understand.

One of the key concerns, which is the subject of this Bill, is that we have a closed regional list system. It is worth pointing out that a such a system is not unique to the United Kingdom. Such systems exist in a number of European countries. In France, there is a closed national list, which is criticised by many people. Indeed, there are strong arguments against having a closed system. One of the key arguments is that it creates a very impersonal kind of election whereby people vote for political parties rather than individuals, and therefore the focus is very much on the message of the central political party rather than on that of the individual candidate, because there are no individual candidates, as such.

It is true that voters cannot pick and choose between candidates of one particular party. Their vote is for the party of their choice, and the party machine decides who is on the list and who therefore stands the best chance of being elected. As has been made clear, the system does not allow for an individual who is elected on one party's regional list but changes political affiliation once elected to have to stand for re-election. However, that is exactly the same as our electoral system.

There are indeed strong arguments against the current system, and it is worth our having a serious debate about what preferred system of proportional representation may replace it. I say that because in 1999 the United Kingdom, as a matter of this Parliament's choice, decided to adopt a proportional representation system, but now it is obliged under European law to have a proportional representation system, so if we are going to change it, we cannot simply turn back the clock to first past the post; we have to have a different form of proportional representation.

There are arguments in favour of our current system, one of which is that it helps to create a system of representation for the United Kingdom that is more reflective of the population as a whole. It is now possible to have a degree of gender balance among Britain's representatives. The onus is on the political parties to ensure that they have that gender balance on their regional lists, if they wish to do so. Nevertheless, a responsibility is placed on the parties—my party, especially—to have that gender balance. The same applies to ethnic minorities: there are now more ethnic minority representatives than would otherwise be the case.

It is unfortunate that many people do not easily relate to the European Parliament. Even when it had a first-past-the-post system—I was a Member of the European Parliament for 10 years and was elected under that system—it was not easy to build a personal relationship with the electors, and that continues to be the case under the regional list system. Perhaps we should not kid ourselves that a personal relationship will ever be that important in European elections. Perhaps it is more important to recognise that people vote for political parties, including domestic parties and others that may be affiliated to pan-European parties.

There is a debate to be had. This debate on the Bill promoted by the hon. Member for Christchurch (Mr Chope) is a continuation of that on a similar Bill promoted in the last Session. The issue needs to be resolved and I welcome the debate. I look forward to hearing the Government's response to the very good points made by the hon. Gentleman.

12.51 pm

The Minister for Civil Society (Mr Rob Wilson): I am grateful to my hon. Friend the Member for Christchurch (Mr Chope) for once again bringing to the House the issue of the voting system for European parliamentary elections. A similar Bill was debated in the final Session of the previous Parliament, so this is a good opportunity to explore the arguments and update the House on the Government's position.

My hon. Friend clearly feels strongly about the issue and he has made his argument with persuasive force. The way in which we elect our representatives is a topic of great importance and it has a significant impact on the relationship between electors and their representatives. I thank hon. Members for their contributions and I assure those present of the seriousness with which the Government take such matters.

The Bill would make provision for an open list for elections to the European Parliament to be used in all electoral regions other than Northern Ireland. That would represent a change from the current closed-list system, whereby electors vote for individual candidates rather than political parties.

The voting system to be used for European parliamentary elections has been debated at length in both Houses of Parliament, and it is clear that there is a range of views

[Mr Rob Wilson]

on the merits of the closed list voting system. As my hon. Friend the Member for East Surrey (Mr Gyimah), the then Minister for the Constitution, said at the Dispatch Box in the previous Parliament,

"the closed list system is simple for electors, and it ensures that across a region seats are allocated in proportion to the votes cast."—[*Official Report*, 9 January 2015; Vol. 590, c. 547.]

I know from that debate and the views expressed today, however, that there is some dissatisfaction with the closed list system. The fact that parties solely determine the order in which candidates are awarded seats achieved by the party has come under fire, as it is said that it puts too much power in the hands of the parties and results in MEPs who are remote from their electorate.

Bob Stewart: My concern is that the real electorate of MEPs are the members of their party. People spend their time canvassing at party meetings, trying to garner support so that their party will put them one or two places up the list or at the top of it. That is a clear lack of democracy for the people of this country.

Mr Wilson: That is clearly one of the criticisms made of the system. In any debate we would need to think about that carefully and take it into account as part of any changes. There is of course some substance in what my hon. Friend says. I will address some of those issues in further detail as I develop my comments.

At the end of the last Parliament, my hon. Friend the then Minister for the Constitution suggested that this issue might be one for consideration in the next set of party manifestos. As hon. Members will be aware, no party's election manifesto addressed the issue directly.

We remain sympathetic to the arguments for moving to an open list system for our elections to the European Parliament, and we understand the rationale behind them. For example, we recognise that introducing an open list system might help to address some of the issues about MEPs being seen as distant from their electors. That said, it is important to remember that every electoral system has its pros and cons, and that the choice is wider than one simply between an open or a closed list system, because other systems, such as the single transferable vote, are also options for consideration.

As hon. Members will be only too well aware, the Government have a busy programme of constitutional reform, so this issue is not currently a priority. During this Parliament, we have already introduced rules for English votes for English laws and completed the transition to individual electoral registration. In addition, we are currently working to devolve further powers to Scotland and Wales, remove the 15-year time limit on the voting rights of overseas electors, update parliamentary boundaries and explore further ways to improve the process of electoral registration.

It is worth noting that there have not been widespread calls for change. The country recently voted against changing the voting system for Westminster parliamentary elections. In the 2011 referendum on the alternative vote system, electors overwhelmingly voted to retain first past the post for elections to this place. We remain sympathetic to the arguments for moving to an open list, but for those reasons we have no plans to consider such a change at present.

Wayne David: In all honesty and generosity, I say to the Minister that if the Government wish to alter their timetable for constitutional and political change—for example, to ditch the proposition about new parliamentary boundaries for the next election—we would be more than amenable to supporting this change to the electoral system for the European Parliament.

Mr Wilson: I note the hon. Gentleman's comment, but I do not think we will be taking him up on his offer in the near future. The Government made a number of manifesto pledges in this area, and we are going to deliver on our pledges, including on all those involving electoral reform and boundary changes. I thank him, however, for his kind offer.

Mr Chope: My hon. Friend said that in the 2011 referendum the people of the United Kingdom overwhelmingly endorsed the first past the post system. Does he share my regret that the European Union is now preventing us from being able to reintroduce first past the post for European Parliament elections? What business is it of theirs? Why can we not decide that for ourselves?

Mr Wilson: As my hon. Friend will know, this country agreed to change the electoral system at European level from first past the post, and having done so it would be fairly disingenuous for the Government to go back on it at this stage. Although we may move to another system, we could not now go back to first past the post. I will make a few more comments about that in a moment.

It may help hon. Members if I set out some information about the history of the voting system used in UK elections for the European Parliament. As they will know, direct elections for the European Parliament first took place in 1979. From 1979 until 1994, such elections in Great Britain were held under first past the post. I am very keen to support that system, and I certainly supported it at the referendum in 2011. Great Britain was divided up into a number of single Member constituencies. At each election voters had one vote, and the candidate in each constituency who received the most votes was returned as the MEP for that constituency.

Since the first elections in 1979, the single transferable vote has been used in European elections in Northern Ireland. That reflects the long-standing practice of using proportional representation and specifically STV in Northern Ireland for elections other than to the House of Commons. My hon. Friend's Bill proposes no change to the type of voting system used in Northern Ireland at European elections.

The Labour party manifesto for the UK general election in 1997, as the hon. Member for Caerphilly (Wayne David) said, gave a commitment to introduce proportional representation for European parliamentary elections. Upon taking office, the new Labour Government announced that they intended to introduce a regional list system for the European parliamentary elections. The European Parliamentary Elections Bill was introduced in Parliament by the then Government in October 1997.

That Bill proposed a system where a voter in each region would have one vote which could be cast for either a party or an independent candidate. Hon. Members may be aware that debate in Parliament centred on the type of list system to be used, with a number of attempts

made to introduce a form of open list system, where voters would be able to vote for individual party candidates. The then Government's preference was for a closed list system. Their concern about the open list system, as suggested by the then Opposition, was that there might be individual candidates who were not elected, while others from another party with fewer individual votes were elected because their party was more successful overall. In other words, voters' preferences for individual candidates may not necessarily be translated into electoral success. This might call into question the legitimacy of some elected representatives.

Stephen Pound (Ealing North) (Lab): I feel convinced that in years to come the Minister's speech today will be studied as part of constitutional history and will be the reference point. It is a magnificent piece of work. May I tell him that in Northern Ireland the reason why we use the alternative vote, why we use the d'Hondt system and why we even use the rather exotic Droop quotient on occasions is that there was a disconnect under the brute simplicity of first past the post? Although first past the post has its attractions, it cannot claim to proportionally represent the electorate. That is the problem. Does the hon. Gentleman not realise that there is a genuine difficulty with first past the post in very, very large constituencies when it comes to representing the whole of the electorate?

Mr Wilson: That is the first time I have heard of the Droop quotient. Obviously, it is something the hon. Gentleman is very familiar with. We are not proposing to restore first past the post at European elections. This is a debate about a closed and an open system for candidates, so we will not be proposing that we go back to the first past the post system.

Helpful research, which the hon. Gentleman might be interested in, was produced by the House of Commons Library, explaining that at Lords Third Reading a Conservative amendment based on an open list system modelled on the Finnish system was successful. Members of the other place pressed this amendment and eventually the Government used the Parliament Act to take the Bill through in the following Session. The result was the European Parliamentary Elections Act 1999, which introduced a closed list system. This was used for the first time in the June 1999 European parliamentary elections. The European Parliamentary Elections Act 2002 superseded the 1999 Act and made provision for the closed list system to be used for elections to the European Parliament in Great Britain.

I should also explain that, following the Matthews case, the European Parliament (Representation) Act 2003 extended the franchise for UK elections to the European Parliament to Gibraltar. The Act provided for Gibraltar to be combined with an existing region and, following a recommendation from the Electoral Commission, Gibraltar has been combined with the South West region for the purposes of European parliamentary elections.

It is important to note that under European law Council decision 2002/772/EC, which amends the 1976 Act of the European Parliament concerning the election of Members of the European Parliament by direct universal suffrage, Members are now required to adopt a proportional voting system for elections to the European Parliament. The decision was made with the agreement of all member states, including the then UK Government. As I have indicated, the current system for European parliamentary elections in the UK was put in place by the European Parliamentary Elections Act 1999 before the requirement in European legislation for a proportional system was introduced.

It might be helpful if I set out briefly the key features of the closed list system that has been used for European parliamentary elections in Great Britain since 1999. Elections to the European Parliament are currently held every five years. For the purposes of European parliamentary elections in the United Kingdom, Great Britain is divided into 11 electoral regions. Each region must have a minimum of three MEP seats. There are nine regions in England: East Midlands has five seats, Eastern has seven, London eight, North East three, North West eight, South East 10, South West, which includes Gibraltar, six, West Midlands seven and Yorkshire and the Humber six. Scotland, which has six MEP seats, and Wales, which has four, each form an electoral region for the purposes of the European parliamentary elections.

In Great Britain, under the closed list system, electors have one vote, which they may cast for a party or an independent candidate. The seats in each region are allocated to parties in proportion to the number of votes they receive, using the d'Hondt formula.

Stephen Pound: Will the Minister give way?

Mr Wilson: I will in one minute.

There is no threshold of votes that a party or candidate must achieve to win a seat in a region. The seats are assigned to party candidates according to the order in which the candidates are displayed on the ballot paper. That order is predetermined by the party before the election. I give way to the hon. Gentleman.

Stephen Pound: I am sorry to interrupt the hon. Gentleman's flow, but he mentioned Scotland, England and Wales. Did I miss his mention of Northern Ireland?

Mr Wilson: The hon. Gentleman must have done, because I mentioned Northern Ireland earlier in respect of the single transferable vote.

Stephen Pound: Yes, I heard that. I meant in respect of the number of seats.

Mr Wilson: I will come to that if the hon. Gentleman will be a little bit patient.

Stephen Pound: Phew!

Mr Wilson: It might be helpful if I outline briefly the d'Hondt method that is used to allocate the seats in electoral regions for European parliamentary elections in Great Britain. Under the d'Hondt formula, seats are allocated singly, one after another. The basic idea is that, at each stage, a party's vote total is divided by a certain figure, which increases as it wins more seats. The divisor in the first round is one and, in subsequent rounds, the total number of votes for a party is divided by the number of seats it has already been allocated, plus one. I can see that everyone is clear about the d'Hondt formula as a result of that explanation.

[Mr Rob Wilson]

The number of seats for Northern Ireland is three, just to answer the hon. Member for Ealing North (Stephen Pound).

Wayne David: I wonder whether the Minister would care to comment on whether the d'Hondt system helps or hinders smaller parties.

Mr Wilson: Obviously, the d'Hondt system is named after the Belgian lawyer who devised it as far back as the 1870s. It is what can only be described as a complicated system. It is certainly somewhat complicated for a simple layman like me. However, I would be very happy to arrange a seminar with officials for any hon. Member who seeks to understand the system in more detail than my remarks in the Chamber today have allowed. I hope that that satisfies the House.

Mr Chope: Will the Minister explain how the d'Hondt system relates to open lists?

Mr Wilson: I knew that if I mentioned the d'Hondt system I would get questions, but I am sure that my hon. Friend will be delighted to come to the seminar that I am arranging, and questions of that nature will be answered in great detail. We could arrange a two-day seminar if that would help.

Mrs Sheryll Murray: Given the number of different parties represented on a ballot paper for the European Parliament, would not open lists that included names make those ballot papers lengthy and difficult to count?

Mr Wilson: Yes, and that is one criticism made of the system. If I have time, I hope to come on to that point.

I know that the hon. Member for Ealing North is keen to hear about Northern Ireland, and Northern Ireland uses the single transferable vote for European elections. The Bill will make no changes to the voting system used there, although I will say a few words about the STV system so that hon. Members can compare it with the list voting systems that we are debating today.

STV has been used for European parliamentary elections in Northern Ireland since 1979. There is a long record of STV being used for elections in Northern Ireland, and it is used for Assembly and local government elections. That is for historical reasons, and it helps to ensure cross-community representation. Under STV, electors rank the candidates on the ballot paper in order of preference, marking one next to their first-choice candidate, two next to their second choice, and so on. Electors can rank as few or as many candidates as they wish.

First preference votes are counted first, and any candidate who reaches a set quota is elected. Any votes received over the quota are not needed by the elected candidate and are transferred to the second preference on each ballot paper. The value of the transferred votes is based on a formula. If not enough candidates have reached the quota, those with the lowest number of votes are eliminated, and all their votes are passed to the next preference on the ballot papers until the quota is met and the seat is filled. The process is repeated until all seats have been filled.

It may be helpful if I set out some details about how European parliamentary elections are administered, focusing on arrangements in Great Britain, given that the Bill would change the voting system for elections in Great Britain, although not in Northern Ireland. Each of the 11 electoral regions in Great Britain has a regional returning officer, and Ministers are responsible for designating an RRO for each electoral region. In England and Wales the RRO must be an acting returning officer for UK parliamentary elections, and in Scotland they must be a UK parliamentary election returning officer. Broadly, RROs are responsible for the overall conduct of the election of MEPs in their electoral region, and for liaising with and co-ordinating the work of local returning officers.

The RRO's specific duties in each region include giving notice of the European parliamentary election, the nomination of procedures for parties and candidates wishing to contest the election, the calculation of votes given for each political party or candidate, and the allocation of seats in the region. The Bill would impact on the counting of votes at European elections—I shall say more about that later—and on the declaration of results. The RRO has power to give general or specific directions to local returning officers relating to the discharge of their functions at the election.

David Morris (Morecambe and Lunesdale) (Con): If the d'Hondt system is applied to our electoral system, and if we have independent candidates as the Bill would suggest, would that not distort the system and come up with a result that is null and void?

Mr Wilson: No. Independent candidates are self-standing. They are treated in the same way as a political party, so there should be no reason why it would distort the system. The system has elected independent candidates in places across Europe, so I do not think that that would be the case.

European parliamentary elections are administered on the ground at a local authority level by local returning officers. At European elections, each electoral region is divided up into counting areas. A counting area will represent a local government area—for example, the London Borough of Southwark forms a counting area for European elections. Electoral law provides for an LRO to be appointed for each counting area within the electoral region. The LRO will be the person who is the returning officer for local government elections in the local government area. That comprises the counting area. The LRO will therefore act for a particular count within the electoral region. To summarise: the RRO has overall responsibility for the conduct of the election in their electoral region; the LRO is personally responsible for the administration of the election in their counting area. In administering the election in their counting area and discharging the functions for which they are specifically responsible, LROs will have regard to any guidance issued by the RRO and must comply with any directions they have given to them.

Wayne David: Would the Minister care to explain what the variation is with regard to the region of the south-west and Gibraltar?

Mr Wilson: I will certainly try to do that. If the hon. Gentleman will forgive me, I will finish the section on returning officers first and then return to that point later.

The functions for which LROs are responsible include the printing of the ballot papers, unless the RRO directs otherwise. The Bill will impact on the design of the ballot paper at European elections. They also include: the appointment of presiding officers and poll clerks; the management of the postal voting system; and the verification and counting of votes. The Bill will have an impact on the counting process at European elections. LROs may appoint one or more deputies to assist them in carrying out their functions, although they cannot delegate their personal responsibility for delivering the election in their counting area. The chief electoral officer for Northern Ireland is automatically the regional returning officer for Northern Ireland and is responsible for running the poll there. I know the hon. Member for Ealing North is very keen to hear about Northern Ireland.

I should also say a few words about the roles of the Government and the Electoral Commission in running the elections. The Government are responsible for the legislative framework within which elections are run. For important reasons, the Government have no role in the administration of elections on the ground. Rightly, that is the responsibility of independent returning officers and the electoral administrators in their charge. The Government also have a role in the funding of elections, which I will come on to later. The proposals in the Bill would have an impact on the funding of European elections. The Electoral Commission's duties include: providing guidance to electoral administrators to help them to carry out their functions in relation to the administration of elections; the setting of performance standards for these elections; and to report on elections once they have taken place.

Turning to the most recent European elections in 2014, the House of Commons Library research paper on the 2014 European elections in the UK, published in June 2014, provides the following summary of results on those elections as follows:

"The UK elections were held concurrently with council elections in England and Northern Ireland on 22 May. The UK now has 73 MEPs, up from 72 at the last election, distributed between 12 regions. UKIP won 24 seats, Labour 20, the Conservatives 19, and the Green Party three. The Liberal Democrats won only one seat, down from 11 at the 2009 European election. The BNP lost both of the two seats they had won for the first time at the previous election. Across Great Britain, UKIP were first with 27.5% of the vote. Labour came second with 25.4%, ahead of the Conservatives with 23.9%."

It is good to see Labour coming second again—I could not resist that, I am sorry. It continued:

"Labour won the popular vote in Wales, while the SNP came first in Scotland. UKIP came first in six of the nine English regions, with their strongest performances in the East, the East Midlands, the South East and the South West. Sinn Féin won the most first preference votes in Northern Ireland. UKIP's share of the vote increased by 11.0% points, while Labour's increased by 9.7% points. The Conservative and Liberal Democrat shares fell by 3.8% points and 6.9% points respectively. UK turnout was 35.4%, slightly higher than 34.5% in 2009, but lower than 38.4% in 2004, when four regions held all-postal ballots."

Let me comment on the features of the open list voting system, which is central to today's debate. Under open list systems of proportional representation, electors still elect MEPs to multi-member electoral areas or regions, and will have one vote. However, the key difference between open list and closed list voting systems is that under an open list voting system, electors may cast their vote for an individual party candidate as opposed to a particular party, as happens under the closed list, or indeed an independent candidate.

The seats in each region are still allocated to parties or independent candidates in proportion to the total number of votes they receive—namely, for a party. The total sum of votes given to all the candidates standing for the party in the region will determine the total number of seats allocated. Under an open list system, seats are assigned to party candidates in the order of those receiving the highest number of votes. In some open list systems, voters may choose whether to vote for a political party or a particular candidate within that party's list. The Bill, however, does not provide for that.

At this point, it may be helpful to inform our consideration of the Bill by saying a few words about the earlier review of the balance of competences, which addressed the voting system used for UK European parliamentary elections. Under the coalition Government in July 2012, the then Foreign Secretary launched the review of the balance of competences. It comprised an audit of what the EU does and how it affects the UK, and it was based on evidence from a range of stakeholders. The voting, consular and statistics report of the review was published in December 2014, and the call for evidence was open for three months from March 2014, while submissions of evidence were received from a range of stakeholders, including electoral administrators, academics, relevant non-governmental organisations and other organisations, and the devolved Administrations.

Mr Chope: Can the Minister spare us the pain of taking us through this very expensive and bureaucratic process? Would he accept that it was a complete waste of time?

Mr Wilson: Well, that is of course my hon. Friend's opinion, but if we are to debate the issues in depth, I think it important to get everything out in the open and on the table, so that if the Bill goes any further later in this Parliament or in the next Parliament, we will have solid grounds on which to discuss these issues. I would therefore like to put these matters on the record.

On the voting system for the UK European parliamentary elections, the majority of respondents felt that introducing open list systems for those elections would be "a positive step", although in view of what my hon. Friend the Member for Christchurch said earlier, he might not want me to say that. Some respondents also felt that a move to an open list system might be of benefit in better engaging electors. For example, this view was expressed by the Electoral Reform Society in its submission of evidence to the review.

Let me read out an extract from chapter 2 of the voting section of the report, which covers the voting system used for UK European parliamentary elections. *[Interruption.]* I can see the excitement coming from the hon. Member for Ealing North. He has sat up in his seat, bolt upright and to attention, desperate to hear what chapter 2 says. So, here goes:

"At the time of the introduction of the European Parliamentary Elections Act 1999, there was considerable debate in the UK Parliament on the issue of moving from the previous, constituency-

[Mr Rob Wilson]

based, first past the post system, to the closed list system in use for UK European Parliamentary elections today. The majority of this debate focused on the planned move to a closed rather than open list system of proportional representation.

Respondents expressed mixed views regarding the EU requirement for MEPs to be elected in accordance with the principle of proportional representation. One reason given for this was the potentially weaker electoral connection between MEPs and the electorate. Some attendees at a stakeholder event held in Brussels to discuss the issues in this report felt that the move from first past the post to proportional representation had weakened this link because voters did not select an individual to represent them directly. It was also noted that, given these arrangements and although MEPs do receive a significant amount of casework, electors were more likely to contact MPs in the first instance.

In contrast, the Electoral Reform Society stated that 'it is correct that the EU only allows countries to use a proportional system…additionally, it is correct that an institution such as the European Parliament, which runs on consensus and scrutiny, should reflect the broad swathe of the British public'. The Scottish Government was also of the view that the requirement that all Member States adopted a system of proportional representation was reasonable. They felt that whilst it was sometimes suggested that first past the post systems created a closer link between candidates and the electorate, equally there was strong support for a proportional system which ensured that voters were more likely to see a candidate from their selected party elected.

The majority of respondents did, however, criticise the closed list system used in England, Scotland and Wales. A few attendees at the stakeholder event in Brussels saw the closed system as an advantage because 'it gives voters some certainty as to the candidates most likely to represent them on behalf of a party, if that party was elected'. However, the general opinion across respondents was that the closed list system failed to 'engage voters to the same extent as an open list system'. As the Electoral Reform Society highlighted, 'polls suggest only around 7-10% of the public can name their MEP'. For this reason, some attendees at a stakeholder event held in London expressed a preference for the Single Transferable Vote (STV) system used in Northern Ireland, or for further research to be undertaken in this area. The Chief Electoral Officer for Northern Ireland noted in his evidence that 'there are no real concerns about the lack of constituency links with regard to…MEPs' in Northern Ireland.

The majority of respondents considered that to introduce open list systems (used elsewhere in Europe) for UK European Parliamentary elections would be a positive development; for example, the Electoral Reform Society felt that such a move to an open list system would be a 'vast improvement' This argument is reinforced in an article published in 2009 by academics Professor Simon Hix and Dr Sara Hagemann, which found that in those countries using open list systems electors were 20% more likely to be contacted by candidates or parties than in those states which used closed list systems. Electors were also 15% more likely to say that they felt informed about elections and 10% more likely to turnout. However in the main it was felt that a change to the current balance of competences was not necessarily the most effective way to achieve stronger links between individual candidates and electors".

A number of respondents to the call for evidence expressed concerns about the current closed list voting system used at European parliamentary elections in Great Britain. However, as I said earlier, there have been no widespread calls for a change in the open list voting system; certainly, my postbag is not full of such requests. Also, this country recently voted against a change to the voting system used for Westminster parliamentary elections in the 2011 referendum on the alternative vote system. There does not appear to be a great appetite for change on the part of the public across the country, and we have to take that into account when we consider this issue.

As hon. Members are aware, EU legislation stipulates that all member states must adopt a proportional voting system for the European parliamentary elections using either a list system or single transferable vote. I understand that a small number of member states use the single transferable vote for European elections. The Republic of Ireland and Malta are examples of this. However, most member states use a form of list system, with both closed and open list voting systems being used to elect MEPs across the member states.

Seats in the European Parliament are allocated to member states on the basis of degressive proportionality. This is the principle that the distribution of seats to member states should, as far as possible, reflect the range of populations. Larger member states have a higher number of MEPs than smaller member states, but in turn, those MEPs represent a larger number of citizens. There is a minimum allocation of six MEPs for a member state and a maximum of 96. Germany is the member state with the largest number, with 96, while Estonia, Cyprus, Luxembourg and Malta each have six.

For the record, the current number of MEPs for each member state is as follows: Germany 96; France 74; United Kingdom 73; Italy 73; Spain 54; Poland 51; Romania 32; the Netherlands 26; the Czech Republic 21; Belgium 21; Greece 21; Hungary 21; Portugal 21; Sweden 20; Austria 18; Bulgaria 17; Denmark 13; Finland 13; Slovakia 13; Ireland 11; Croatia 11; Lithuania 11; Latvia 8; Slovenia 8; Cyprus 6; Estonia 6; Luxembourg 6; and Malta 6.

Stephen Pound: United Kingdom: nul points.

Mr Wilson: No, it's not the Eurovision song contest.

Prior to the 2014 European parliamentary elections, the Lisbon treaty provided that at those elections the total number of MEPs should be reduced from 766 to the current total of 751, including the President of the European Parliament. However, the UK's allocation was increased by one, so it is not nul points for the United Kingdom.

Stephen Pound: Pardonnez-moi!

Mr Wilson: The UK's allocation was increased from 72 to 73 seats under the Lisbon treaty, slightly increasing our proportion of seats in the European Parliament.

An area that I think is relevant to today's debate is voter turnout at European elections. One argument that can be put forward in support of an open list system is that it gives the elector a greater choice and more say over which candidates are elected. This could lead to electors feeling more engaged in the electoral process. It is not clear whether a change to an open list system would impact on turnout for European parliamentary elections in Great Britain, however, as turnout at any election is affected by a range of factors in addition to the voting system.

Since the first European parliamentary elections in 1979, turnout at UK European parliamentary elections has consistently been lower than the average turnout across other member states. The average turnout at European parliamentary elections across all member states has steadily decreased since the first direct elections to the European Parliament in 1979. With the exception of the 1999 UK European parliamentary elections,

which were not combined with local elections as is usually the case, turnout in the UK under the current closed list system has been broadly comparable with the levels of turnout seen at the UK European parliamentary elections held under the first-past-the-post system between 1979 and 1994.

The figures that I have on turnout for past European parliamentary elections, rounded to the nearest whole number, are as follows: 32% in 1979; 33% in 1984; 36% in 1989; 36% in 1994; 24% in 1999 when, as I said, the were no local elections at the same time; 39% in 2004; and 35% in 2009. At the 2014 European elections, according to the House of Commons research paper, turnout across the UK as a whole was 35.4%, compared with 34.5% at the previous election in 2009, so the figures were roughly the same.

Turnout in 2014 across the European Union was 43%. The paper notes that turnout in some of the newer member states was relatively low. For example, in Slovenia it was 23%, Croatia 25%, Czech Republic 18%, Poland 23% and Slovakia 12.7%. I should explain that the open list system is not currently used in any statutory elections in the UK. Introducing an open list system at European parliamentary elections in Great Britain would require both primary and secondary legislation, and that requirement should be factored in when considering a possible change to the voting system for European parliamentary elections.

In addition, there are a number of practical and logistical implications that would need to be considered when changing the voting system for the European elections. Political parties, candidates, electoral administrators and electors would all need to receive guidance and instructions on the workings of the new voting system, which would be novel and potentially complex for electors. In particular, a public awareness campaign of some sort would be necessary to ensure that voters understood the requirements of the new voting system and that their votes were correctly cast at elections.

The design of the ballot paper would change quite significantly under an open list system. On the ballot paper, under the current closed list system, there is a box against the name of each party and each independent candidate, and the voter puts a cross in the box next to their choice. The names of the party candidates are shown on the ballot paper underneath the party for which they are standing, but they are printed in a smaller font size than the name of the party, and there is no box against the name of each party candidate, because the voter will cast a vote for a party under the closed-list system.

Mrs Sheryll Murray: Will my hon. Friend expand on what he has just described? In the south-west, there was a ballot paper for a European election on which there were about 32 different candidates or parties. If we added to the ballot paper the names of the party representatives, we could end up with a ballot paper that was about a metre long.

Mr Wilson: A ballot paper that is a metre long would be extraordinarily complicated and very difficult to understand. I certainly do not want to see any ballot papers that long, and neither, I am sure, does my hon. Friend.

However, under an open list system, the ballot paper would need to be redesigned to allow voters to cast a vote for individual party candidates, which is why it would need to be so long. As a result, the ballot paper would be expected to be longer and more complex than that used under the current closed list system, in particular in those electoral regions with a greater number of MEPs.

In the south-east region—not just the south-west region— there are 10 MEPs and each political party would therefore have the option to list up to 10 candidates on the ballot paper. As I have indicated, the ballot paper would need to be redesigned so that a box appears against the name of each candidate on the ballot paper to enable the voter to indicate their choice of candidate.

The counting of votes under an open list system would also be expected to take longer and be more costly, as the votes cast for each party candidate would first need to be added up to establish the total votes cast for the party and the number of seats that they are entitled to be allocated. That compares with the closed list system where votes are cast for parties only, and establishing the total numbers of votes for each party would be expected to take less time than under an open list voting system.

Moving to an open list system would also raise cost issues and, given the Government's central role in funding European elections, we would wish to look at that very carefully before we did so. Although the issues might not be insurmountable, they would need to be carefully considered and assessed before any decision is made to move to a new voting system for European parliamentary elections.

I should like to finally conclude by recognising that this issue has generated some lively debate and discussion in this House and elsewhere.

James Morris (Halesowen and Rowley Regis) (Con): The Minister has spoken a lot about the importance of raising turnout in European elections, which is at the heart—partly—of what he has been describing. Does he think that it would be useful for electors to be more aware of where MEPs do actually make a difference in local areas—I know this is a rather unfashionable view—and make an impact for local people?

Mr Wilson: The provision of more information about the role of MEPs, particularly closer to European elections, might have a role in stimulating greater turnout. We are seeing with the European referendum at the moment that there is a huge desire—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. I hesitate to take up any of the time left to the Minister because I appreciate that he has a lot to tell the House on this complicated subject, but it would help if he would not mind facing the Chair as he does so, because the Chair is also fascinated by what he has to say.

Mr Wilson: I apologise, Madam Deputy Speaker. I was just saying that one of the things that the public are yearning for now as part of this referendum is more information. More facts and more information on European matters would be highly desirable.

Vicky Foxcroft (Lewisham, Deptford) (Lab): One of the other things that people are yearning for is for 16 and 17-year-olds to be given the vote. Does the Minister regret his party not supporting votes for 16 and 17-year-olds in the EU referendum?

Mr Wilson: That is not a matter for this Bill, as the hon. Lady knows. If she wants to have a discussion with me elsewhere, I will be happy to do that. *[Interruption.]* She could come to the d'Hondt seminar, indeed; maybe we could discuss it as part of that.

Vicky Foxcroft: There is actually a private Member's Bill on that subject on the agenda today. Unfortunately, I do not think it will end up being debated, but perhaps the Minister could see whether there is a way of moving it up the agenda so that it can be debated.

Mr Wilson: I am sure the hon. Lady's comments are on the record and will be noted by her party's and other managers in the House. I hope she will be able to debate that private Member's Bill on another occasion.

Wayne David: I was just going to politely remind the Minister that he has not responded to the question I asked—but please, please, if he responds, would he do so very briefly?

Mr Wilson: There is no variation. Gibraltar has its own local returning officer. I do apologise; I was going to come to that before I moved to my closing remarks, but time is moving on and I have taken up rather a lot of the House's time. I know that one or two Labour Members are desperate for me to continue, but I feel I must now bring my remarks to a close.

The closed list system was first introduced for the 1999 European elections and has been used at successive European elections since then. It is simple for voters to understand, and ensures that across a region seats are allocated in proportion to the votes cast. We should therefore think very carefully before making any changes to the current voting arrangements. That said, from the debate and other debates, and from the views expressed here and elsewhere, I know that there is some dissatisfaction with the closed list system. It can be seen to give parties too much power in determining which candidates are elected and does not create a strong link between MEPs and the electorate.

However, as hon. Members will be aware, the Government have a number of priorities in the area of constitutional reform, such as, as I mentioned, English votes for English laws, individual electoral registration, more powers to Scotland and Wales, implementing the commitment to removing the 15-year time limit on the voting rights of overseas electors, updating parliamentary boundaries, and so on. That is quite a constitutional package to put through this House.

In addition, it is worth noting that outside of this House there does not appear to be a great appetite for this change. For those reasons, we remain sympathetic to the arguments for moving to an open list but we have no plans to look at this at the present time.

1.44 pm

Mr Chope: It has been a pleasure to listen for so long to my hon. Friend on the Front Bench. I think that he will be a worthy nominee to the European Commission, because he has today shown his capacity to make a bureaucratic mountain out of a veritable molehill. He has also, in the course of his speech, set out a number of very good reasons why we would indeed be better off leaving the European Union, for which I am grateful. He pointed out that even when all the United Kingdom's MEPs vote in the same lobby, they have fewer than one in 10 votes, which means we will always be in a minority. We will always find that our national interest cannot be protected in the European Parliament because of the system we have. I hope that the Government will be saved the burden of having to examine the issue any further when the people decide to leave the European Union on 23 June. In anticipation of that result, I beg to ask leave to withdraw the motion.

Motion, by leave, withdrawn.

Bill withdrawn.

Stephen Pound: On a point of order, Madam Deputy Speaker. Your distinguished predecessor, the right hon. Baroness Boothroyd, once ruled me out of order one a Friday morning, during a debate on offshore oil platforms, because I had listed the full names and Latin names of every single species of marine life to be found in the vicinity. She said at the time that the House will not accept tedious and needless repetition of irrelevant facts. Do you agree that listing the voter turnout in 28 European nations and the number of MEPs comes within the aegis of the Boothroyd ruling?

Madam Deputy Speaker (Mrs Eleanor Laing): The hon. Gentleman makes an excellent point, as ever, and I am very glad that he has drawn the matter to the House's attention. I am well aware of the ruling made by Baroness Boothroyd when she occupied this Chair. She was absolutely right—I would never disagree with her—and indeed I feel strongly about upholding her ruling. Were a Minister or Back Bencher to make a speech that included tedious or repetitive information, I would certainly call them to order. This afternoon the Minister read out a fascinating list of results of a very important election. Had I considered it to be tedious and repetitious, I would certainly have taken the action that the right hon. Baroness Boothroyd once took in respect of the hon. Gentleman. However, that was not the case today. Therefore, grateful as I am for his point of order, I will take no further action thereupon.

Football Governance (Supporters' Participation) Bill

Second Reading

1.48 pm

Clive Efford (Eltham) (Lab): I beg to move, That the Bill be now read a Second time.

I am grateful for this opportunity to speak, albeit a little later than I had hoped, following the Minister's tour de force in dragging out the previous Bill. *[Interruption.]* Well, it certainly was a tour, as my hon. Friend the Member for Ealing North (Stephen Pound) says from a sedentary position. It is a shame that more Members are not here. Had we been more certain of the time of the debate, I think that it would have been well attended. I understand that the Government do not support what I am trying to achieve, but many Members on both sides of the House are interested, as are the football teams in their constituencies, and could have contributed to quite a significant debate. Sadly, the vagaries of how the House operates on Fridays did not allow that. None the less, that does not detract from the importance of the issue.

I thank the Football Supporters Federation and Supporters Direct, which helped me consult supporters trusts and fans groups up and down the country. Nearly 100 groups responded to the consultation. I had telephone conferences with them and held meetings in Manchester, London and other places to discuss the issues. We surveyed their attitudes towards fans' involvement in the governance of football and their football clubs.

Some 97% of respondents said that they were not given enough representation. Nearly 86% said that they supported the concept of the right to buy shares and nearly 84% wanted representation on their club boards. When we look around football today, we cleary see that football fans are under-represented and not listened to. No matter what level of the game we look at, we see examples of where things could be improved if football fans had greater representation. The Football Association has a 123-man council; it is almost entirely male. There are a handful of women, but I am not sure how many, and there is just one fan representative on that council. That cannot be right. We need to improve representation and the voice of football fans at every level.

A lot is going on. Only a week ago, a new president of FIFA was elected. Just prior to his election, FIFA agreed a whole load of reforms. Anyone who follows football knows that FIFA needs fundamental reform. In fact, my view is that FIFA cannot be reformed; it needs to be put into some form of administration. A new body needs to be created and put in its place.

I congratulate Gianni Infantino on his election as president. I have been critical of FIFA and the system that elected him, which I still think is corrupt, although that is not to suggest that Mr Infantino is corrupt. The system is corrupting, and I will be a critical friend of Mr Infantino's to ensure, along with many others, that the reforms are adhered to and delivered in full.

Many people have said that the election of Infantino is a breath of fresh air, but he is part of the previous establishment and football has a difficulty in breaking away from that. He was the best candidate among those who were available. It is disappointing, however, that in what was almost his first press conference he said that the 2018 and 2022 World cup bids would not be rerun. Investigations are going on that could determine whether the decisions awarding those tournaments were sound, and it is far too previous to conclude that the bids will not be rerun.

With the FIFA reforms, we are supposed to be drawing a line over what has gone on in football, yet the two World cups coming up in 2018 and 2022 are mired in the history of what has gone on at FIFA; it is difficult to see the changes as a result of a new broom and to think that the organisation is completely clean of what has gone on in the past. I wish Mr Infantino all the best with his changes and I am sure that we will return to the FIFA issue. As Mr Infantino said at his press conference, it is the fans and the game itself that are most important.

Even the highest debating and decision-making chambers of football such as FIFA have to remember the fans who make the game so special. The way in which football is part of the communities where the football clubs are based is so important to the beating heart of football. Everyone who is involved in making decisions in the game must remember that.

Fans are becoming increasingly important because big business is moving into our football clubs in a way that it never has before. We are now hearing talk, yet again, of a breakaway league of all the top clubs across Europe. If clubs were foolish enough to move into such a super-league, I would be inclined to say to the FA, "Tell those sides 'Good riddance.' Close the doors to the FA cup to them and let them go, and let's continue to run our football league and have the confidence in it to create new super-clubs." There is something special about the English football league. People around the world enjoy watching it. They enjoy the atmosphere created by the fans, which is reflected in the football played on the pitches that makes it a product that people around the world so much want to watch. There is something special when one of our top clubs such as Arsenal or Manchester United is drawn against one of the big European football clubs such as Real Madrid, Barcelona or Borussia Dortmund. If that were to happen regularly within a football league, the special nature of those international clashes and the excitement of those tournaments would be lost. Those clubs would be making a serious mistake if they moved away into a super-league.

Football is no longer looked on as a way of wealthy business people having an interest aside from their business by running a football club. It has often been said in the past, "If you want to make £1 million out of football, buy a football club for £4 million", because it has not been a way of making money; owners of football clubs have invested in them and seldom taken money out. That has completely changed. Looking back at the finances of the premier league, and, to some degree, the championship only a few years ago, there was enormous debt. There is still debt in the championship, but the TV deals that have been done for the premier league have almost completely wiped out the debt there, and football clubs are looked on much more as money-making businesses. Those clubs' links to the communities in which they are based are therefore even more important than they have been in the past. These people sweeping in on their private jets wanting to buy football clubs are not looking at the communities that have sustained those clubs through generations over many years, through

[Clive Efford]

the good times and the bad times, and the very strong links that they have with the communities in which they are based.

It is the fans who anchor the clubs in that tradition. It is the fans from those communities who have sustained those clubs over many years. It is the fans who are passionate about their clubs who fill the stadiums week in, week out and create the atmosphere that makes the package—for the premier league, in particular—so attractive to sell around the world. Owners who turn their backs on that tradition will do so to the detriment of their football clubs. That is why it is so important that today we are recognising the importance of the role of fans in sustaining football clubs, maintaining these traditional links, and making sure that they are not lost as clubs begin to become more profit-making and more attractive to people who are not steeped in the traditions and the history of the clubs that they are attempting to buy, or do buy.

Fans are increasingly looked on as customers and as no different from someone who shops at a supermarket. If customers get a better deal down the road, they simply change supermarkets. No passion or allegiance is involved; they do not wrap a supermarket scarf around their neck when they shop. The link between a fan and a football club, however, lasts a lifetime. Some are lucky enough to support clubs that frequently play in the top flight, while some of us have heavier crosses to bear. I am a Millwall season ticket holder and, believe me, it is a heavy cross to bear at times.

Vicky Foxcroft (Lewisham, Deptford) (Lab): I congratulate my hon. Friend on promoting the Bill. I am also a Millwall season ticket holder—

Stephen Barclay (North East Cambridgeshire) (Con): Good heavens!

Vicky Foxcroft: It is in my constituency. I will be going this weekend to celebrate Jimmy's Day, and I hope that my hon. Friend will also be there.

Clive Efford: I certainly will. Jimmy Mizen was, sadly, murdered in a street attack. His mother and father, Barry and Margaret, have set up the Jimmy Mizen Foundation, which aims to create community safe havens in which young people can seek refuge if necessary. Millwall football club and Charlton Athletic both support the charity, and there will be an event at Millwall tomorrow. I will be there in my usual seat in the stands, supporting Jimmy Mizen Day and cheering on Millwall football club, which is not doing too badly this season.

As I have said, some of us have heavier crosses to bear with the sides we support, but we are no less passionate about them. I could not change my football club. Charlton Athletic's training ground is in my constituency. Millwall's training ground used to be there, too, but it has moved to Lewisham now. The team's fortunes dipped when it moved there, but they seem to have picked up now. People were surprised that I remained open about the fact that I was still a Millwall fan and they asked me, "Won't you switch to Charlton because it's the local club?" Fans cannot switch like that, and even if they attempted to do so, they would lose the respect of other football fans. It is imprinted on people from a young age. Fans are not like any other customer. They are passionate about their clubs, and their relationship with them lasts a lifetime. That needs to be stressed to football club owners and to the Premier League.

Stadium occupancy rates are often mentioned, and those for weekend premier league matches are very high. Last season's annual report states that the occupancy rate was nearly 96%, so the grounds are full. The Premier League is a huge commercial success. It pays £2.4 billion to the Exchequer, and its gross value added is £3.4 billion. It has become an enormous success and one of our greatest exports. In the next three-year deal for its domestic rights, it expects to receive in the region of £6 billion. The international rights will take that figure up to more than £8 billion over three years. That money will go to the Premier League and British football, so it is an enormous success, but, with those sums of money floating around, it is essential that we do not lose sight of what exactly created those football clubs in the first place and why they exist today: the communities in which they are based and their fans.

There are many examples of such communities coming together to protect their football clubs. At the moment, Blackpool's is fighting hard to get recognition from the owners to protect their football club. One of the greatest examples is that of Portsmouth. The club was in the FA cup final only a few years before it went into receivership and had to be saved by the local community and local fans. People came together to save a great football club, which has some of the most passionate football fans to be found anywhere in any country.

Stephen Pound (Ealing North) (Lab): Does my hon. Friend not agree that for every AFC Wimbledon, FC United of Manchester or group of fans who have refused to let their club die, great and noble clubs such as Clydebank exist no longer? It would have been far better if clubs such as Clydebank had had fan representation on its board, because it would not then lead to people going through the agonising process of defending their clubs. The process would be much more automatic, and we would be able to keep the full gloriously rich panoply of names in English and Scottish football.

Clive Efford: I agree with my hon. Friend. I will come on to some of the recommendations of the expert working group, which may address his point.

When football clubs are in distress, we can see how the communities have rallied round to save them. Sadly, Hereford United went out of existence for a short period, but it has been recreated because the fans, refusing to let the name die, were determined to save their club. Let us look at the success of Swansea City, 20% of which is still owned by the fans. Where would it be if the fans had not stepped in to save it? Wimbledon—what a tragic story—was let down badly by the football authorities. The community's club was stolen away from them, but the way in which they have recreated a club, AFC Wimbledon, to thumb their noses at football's ivory towers is fantastic.

My Bill is not about giving the fans a veto over what goes on at their clubs. I am not suggesting for a moment that the involvement of football fans is somehow a panacea for all the problems in football. There have been times when football clubs have gone into receivership

even though the fans had all along cheered every decision that put the club into financial jeopardy until the receivers turned up and locked the doors. Fans cannot provide the solution to every problem, but they care passionately about their club and they can be an early warning system to alert authorities to existing problems in our clubs, particularly such as those at Hereford.

More recently, clubs have come into conflict with their fans in ways that might have been avoided if there been better communication or if the fans had had a voice on the board when decisions were made. Liverpool comes to mind, as does the Football Supporters Federation's "Twenty's Plenty for Away Tickets" campaign. Because of the pricing of tickets at Liverpool, 10,000 fans walked out in the 77th minute to say to the club, "We're not putting up with this". That brought about a change, but the conflict might have been avoided if the fans had been at the table when the board discussed ticket prices and the board had put its views to the fans. A more ridiculous example happened at Leeds, where a "pie tax" has been added to the tickets. When people pay for a ticket, they get a voucher for what is probably a very unhealthy pie, and that has been ridiculed. I wonder whether the board would have come up with such a marketing ploy if it had talked to the fans. Similar things have happened at Hull City, Cardiff and elsewhere that I could go into, but I will cut through that because we are short of time.

I want to talk about the expert working group. I welcome its recommendations as far as they go. They will require football clubs to meet fans at least twice a year so that the fans can air their views, but that is not enough. There needs to be a regular dialogue and exchange of information. This does work in clubs already, so there is nothing to fear from fan representation on the boards. The Government should look at what the expert working group says about social investment tax relief to make it easier for bona fide fans groups to take over their football clubs. I wonder why we are saying that we will help fans to take over their clubs only when they are in financial difficulties. If the fans are good enough to have a stake in their clubs in the bad times, they must be good enough to be able to buy shares in the good times, if they wish to do so.

We need to ensure that fans are represented. The expert working group says that the FA must address the lack of representation of fans at the higher levels of the game. I want to hear from the Minister what the Government intend to do about that.

My Bill, as I said, is not a panacea that would solve every problem in football. One of the things that is fundamentally wrong in football now is that fans are not being spoken to and they are not being listened to. Where they are, and where clubs encourage it—Millwall has a fan on the board, who is elected by the fans and is party to all the discussions that go on around the table—that does not create a problem for the club. Where representation exists, the relationship between the fans and the club is improved, as is the exchange of information between them.

My Bill would do three things. It would require the fans to set themselves up as a single bona fide body. I have suggested that that should be an industrial provident society, but that can be discussed. That body would be responsible for electing two members to the club board—two members so that they are accountable to one another—and they would report back to the fans about the board's discussions. They would need to be trained and taught the responsibilities of being a board member—for example, when they may or may not divulge confidential information when they report back. Where the board is larger, there should be a minimum of two fans or up to 25% of the board, whichever is the greater number.

That bona fide fans body would be empowered to buy shares when there was a change of ownership. I have been advised that in the City that is recognised as occurring when 30% of shares or more are on offer, so when 30% of the shares were exchanged or sold, the fans would have 240 days in which to buy up to 10% of those shares which is 3%.

Those are the three elements of my Bill—it would put fans around the table when the issues that affect them are being debated, and allow them, where they have the will to do so, to take a stake in their club. Clubs have nothing to fear from that. At a time when football is increasingly seen as a global business, it is important to recognise the people who identify with that club and who give it its distinctive character, which comes from the community and has sustained that club for generation after generation. Those people are the fans, and it is time we gave them the recognition they deserve.

2.13 pm

Stephen Pound (Ealing North) (Lab): I congratulate my hon. Friend the Member for Eltham (Clive Efford) on bringing a first-class Bill to the House. It is truly bizarre that here we are, in the most exciting ever premiership season, when the reputation of football and football clubs has never been lower, and there is a profound disconnect between what is happening on the pitch and what is happening in the boardroom. Much of this is to do with the ownership of clubs.

The ownership of football clubs may not be as it was once perceived in the glorious sepia days of jumpers for goalposts, when northern clubs would be owned by some Alderman Foodbotham out of Peter Simple, with his iron watch chain, who was a sort of philanthropic local industrialist. Fulham, without doubt the finest football club in west London, was owned by Deans Blindmakers of Putney, and Chappie d'Amato was the chairman. There was a wonderful tradition with those people. Nowadays, people from the middle east and America, consortia, strange groups miles away, distant people own football clubs. I do not see that as ownership. They may have the shares, the keys to the boardroom and an executive car park, but that is not owning a football club. The ownership of a football club is in the hearts of the community and the fans. That is why my hon. Friend's Bill is so incredibly important.

Football is not a fad. A football club is not something that can be picked up and put down. A football club is not something that just happens to be a feature of a local area. It is a part of the community. It is the living, breathing reality of a local community. When one sees clubs such as Brentford and Charlton putting up candidates in local elections and the degree of local concern when a club is under threat, one realises that this is more than just sport. This is about our culture and our community. Madam Deputy Speaker, I know that many people in your constituency are West Ham fans. I am sure that

[Stephen Pound]

you are a regular on the terraces of Upton Park. You are probably one of the better behaved ones, I hasten to add.

The important thing about my hon. Friend's Bill is that we need to reconnect the people, the fans and the communities with the clubs. Sadly, that will not happen organically. It will not fall as a gentle rain from heaven. We need some legislation. That is why the right to buy shares—I never thought that I, an honest socialist, would ever plead for the right to buy, but I do in this specific case only—and the mandatory placement of fans on boards are things that we have to go ahead with. Alistair Mackintosh at Fulham meets Danny Crawford and the Fulham Supporters Trust on a regular basis. That practice is good where it is good, but it is not mandatory or statutory and it needs to be.

I could speak for so long on this subject, but I will not because others wish to speak. I simply implore the House, I plead with the House, to support my hon. Friend's Bill. It could be the saviour of football—the game that we invented in this country and gave to the world. It is now seen in a pretty poor light because of the great disconnect. We have an opportunity to regain that supremacy, that primacy and, above all, that link, and to make a reality once more of the working man's ballet, representing our local communities.

2.16 pm

James Morris (Halesowen and Rowley Regis) (Con): It is always a pleasure to follow the hon. Member for Ealing North (Stephen Pound).

I have a lot of sympathy with the Bill. The hon. Member for Eltham (Clive Efford) speaks passionately about the way in which football has changed and the importance of making sure that fans are engaged in the game. In the light of the two Select Committee inquiries into the governance of football in the last Parliament and the work of the expert working group, which he referred to, the Bill does raise serious issues in respect of football governance that it is well worth airing in this Chamber. However, I cannot support it because the mechanism that he proposes is not an appropriate one.

I know from my frequent visits to Halesowen Town football club the importance of fans and the community being engaged, even in a non-league club. The club has a long history, but has had recent difficulties. The efforts of the local volunteers who have maintained the stadium in Halesowen and contributed to the revival of the club reveal that across the whole football spectrum, from the premier league or all the way through to the Evo-Stik non-league leagues, fans and local communities have a vital role to play as the custodians of their clubs.

I recognise what the hon. Member for Ealing North said about the changing nature of the ownership of football clubs in Britain. The concerns that he has about the foreign ownership of English football clubs are shared quite broadly. I understand the nature of those concerns—that the traditions of clubs that are taken over by foreign owners will not be appreciated, that new owners may be unfamiliar with the complexities of the English game or that foreign owners might not think about the long-term prospects of the game.

Alternative models along the lines proposed in the Bill must focus on the long-term financial stability of the football clubs to which it might apply. We might all have some kind of romantic or sentimental view about a lost golden age of English football. I remember standing on the terraces at the Trent end of the City Ground when Nottingham Forest was in its heyday in the late 1970s.

Conor McGinn (St Helens North) (Lab): As a Tottenham supporter I hope that we will be entering a golden age of football in the next few months. The hon. Gentleman is making an eloquent case in support of the Bill. When I go to watch other sports, such as rugby league in St Helens or Gaelic football in Ruislip in west London, I pay a small amount for a ticket. People who go to those games are just as passionate as football fans who pay an inordinate amount. He says that there are no alternatives, but we must find one because it is imperative and important to sustain our national game.

James Morris: I do not argue that there are no alternatives, and one of my concerns about the Bill is that—like so many other Bills—it imbues the Secretary of State with regulation-making powers to intervene in football clubs, which are private concerns. I am concerned about the blunt nature of the proposed mechanism. However, that does not mean that there are no viable alternatives for encouraging greater fan participation in clubs, such as different forms of company structure or community interest companies, as mentioned in the report by the Culture, Media and Sport Committee on football governance. For example, there might be other mechanisms in the Localism Act 2011 regarding assets of community value—there is no reason why a football club should not be considered such an asset.

I was speaking about the idea of a romantic golden age of English football. Seeing Leicester City at the top of the premier league reflects the fact that it is possible for clubs that are not traditionally considered to be the most financially solvent or in the top bracket of the premier league to do very well—that is why I referred to Nottingham Forest in the 1970s. It is understandable that the hon. Member for Eltham feels that we need to shake up the ownership of football clubs, but as I said, I am not sure that his Bill adequately addresses some of the complexities of encouraging supporter ownership and participation.

As the hon. Gentleman said, the expert working group on football supporter ownership and engagement, which was commissioned by the DCMS and its Committee, raised important issues about football governance. For example, one recommendation in the Committee's report was to give the Football Association greater power over licensing football clubs, which speaks to some of his concerns about the threat of foreign ownership of football clubs, and the issues that arise from that. We must have a much tighter regime of football club licensing, and the FA has a role to play in that. How do we define a football supporters association? Can we be sure that the best fans are being selected, and by what process? Who has the final say on the appointment to that supporters organisation? Does every supporter get a vote?

The Bill raises very important issues and the hon. Gentleman is right to bring them to the attention of the House. Greater supporter participation in football is

critical, but I am not convinced that the mechanism he outlines in the Bill is the most appropriate way of dealing with the problem he identifies.

2.25 pm

Wayne David (Caerphilly) (Lab): Many of us would agree that football clubs are unlike any other businesses. The backbone of any football club is its supporters—or fans, if you like—many of whom have an emotional attachment that lasts a lifetime. Too often, however, this attachment is exploited by clubs. Ticket prices are pushed up and owners attempt to change fundamental parts of clubs for marketing reasons, with no respect for the history or heritage of the club and its association with the local community.

Despite new owners coming in with large sums of money, it is the fans who have sustained clubs generation after generation through thick and thin. It is the fans who will be there for a long time after the owners have gone. Sadly, it is too often the case that fans are ignored on fundamental issues that directly affect them and their club. A whole host of problems are faced by clubs on a regular basis. As has been mentioned, Blackpool supporters have recently expressed serious concerns about the running of their club and have attempted to take it over. Liverpool supporters have walked out over their club upping ticket prices. Soon, the Football Supporters Federation will hold a demonstration to call on clubs to share the TV wealth by lowering ticket prices and providing funds for lower leagues and the grassroots. At Cardiff City, the club I support, the owner changed the club's strip from blue to red against the clearly expressed will of the supporters—for generations the club has been known as the Bluebirds. I do not believe we can go on like this. It is totally unacceptable. Clubs are becoming more and more disconnected from the communities in which they are based.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. I hesitate to interrupt the hon. Gentleman because he has been speaking for only a short time, but if he and the rest of the House would like to hear what the Minister has to say on the Bill, he will have to leave some time for that.

Wayne David: Thank you, Madam Deputy Speaker. I will take your advice.

The Prime Minister has added his support to calls for change. I believe other moves are afoot—discussions have taken place and must be taken forward—but that is not a reason why the Bill should not be supported. The Bill's proposals are modest. They have been consulted on and are very coherent. I believe a clear message needs to go out from this House. I very much hope the Government will support the proposals, so that football supporters can have a real sense of participation and involvement, which is absolutely central for the future of British football.

2.28 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr David Evennett): I congratulate my near neighbour, the hon. Member for Eltham (Clive Efford), on winning a place on the ballot to present his private Member's Bill. His speech was informative and interesting. His passion and advocacy for football is to be commended, as is his support for Millwall.

I would first like to put on record that my family are supporters of Crystal Palace. My son Tom and my grandson George are season ticket holders. We, too, support strongly the new president of FIFA and the commitment he has made to reform the world governing body of football. Those reforms are critical to restoring the trust and credibility of the game.

I commend the speeches from the hon. Member for Ealing North (Stephen Pound), who is always entertaining and informative, and my hon. Friend the Member for Halesowen and Rowley Regis (James Morris). I thank him for his contribution.

Unfortunately, the Government are not able to support the Bill and are opposing it. We do not believe that legislation is the right way to achieve our aim. The FA is embarking on a review of its governance, and we hope genuine progress will be made, including on giving supporters greater representation on its decision-making boards. In my future discussions with the FA, I shall seek confirmation that this matter is being considered properly, seriously and sensibly. I recommend going forward on that basis.

2.30 pm

The debate stood adjourned (Standing order No. 11(2)).

Ordered, That the debate be resumed on Friday 11 March.

Business without Debate

ENGLISH NATIONAL ANTHEM BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

TRANSPORT OF NUCLEAR WEAPONS BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

COMPULSORY EMERGENCY FIRST AID EDUCATION (STATE-FUNDED SECONDARY SCHOOLS) BILL

Resumption of adjourned debate on Question (20 November 2015), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 11 March.

REPRESENTATION OF THE PEOPLE (YOUNG PERSONS' ENFRANCHISEMENT AND EDUCATION) BILL

Resumption of adjourned debate on Question (11 September 2015), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 11 March.

FOOD WASTE (REDUCTION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

ON-DEMAND AUDIOVISUAL SERVICES (ACCESSIBLITY FOR PEOPLE WITH DISABILITIES AFFECTING HEARING OR SIGHT OR BOTH) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

MARRIAGE AND CIVIL PARTNERSHIP REGISTRATION (MOTHERS' NAMES) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

WILD ANIMALS IN CIRCUSES (PROHIBITION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

MESOTHELIOMA (AMENDMENT) (NO. 2) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

OFF-SHORE WIND FARM SUBSIDIES (RESTRICTION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

DEFENCE EXPENDITURE (NATO TARGET) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

CONVICTED PRISONERS VOTING BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

UK BORDERS CONTROL BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

HOUSE OF LORDS (MAXIMUM MEMBERSHIP) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

CROWN TENANCIES BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

WORKING TIME DIRECTIVE (LIMITATION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

REGULATION OF POLITICAL OPINION POLLING BILL *[LORDS]*

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 11 March.

Citizens Convention on Democracy

Motion made, and Question proposed, That this House do now adjourn.—*(Stephen Barclay.)*

2.34 pm

Mr Graham Allen (Nottingham North) (Lab): Our democracy is in a bad way, but, as I shall explain, we can all help to put it right.

People are the bedrock of our democracy, and if they lose faith and confidence in democracy as a system, we are all in peril, as was pointed out by the Political and Constitutional Reform Committee in a report entitled "Do we need a citizens' convention for the UK?" and published in 2013. You were a distinguished member of the Committee, Madam Deputy Speaker, and I believe that you signed that unanimously agreed report.

We need to consider this issue seriously, because it really does deserve our attention. The public have undoubtedly lost faith in our democracy, and if we are to restore that faith, they will need to be involved in its regeneration, and thereby feel ownership of it. There are many examples of the atrophy of our democracy: low turnouts at elections, poor levels of registration, instability in the Union, poor levels of devolution in England, dependent, begging-bowl local government, a less trusted electoral system, and the tainted funding of our politics and political parties. All that has increased public alienation from our hard-won democratic process.

Parliament and Government alone could not resolve this problem even if—and it is a large "if"—they wanted to do so. There is a growing view beyond this place, which I hope to present today, that the solution is to establish an independent convention that would view all the issues from outside the political bubble. I intend to deal with some of the nuts and bolts of that, and, for once, to leave aside the broader democratic arguments that I have, on other occasions, advanced repeatedly in the Chamber.

We are aware that such things have been tried before. Nice reports have been produced, but they have gone nowhere. It is essential that we do not repeat that exercise, but, instead, ensure that any convention reports are locked back into the political process in the House of Commons, and have a real political outcome. There is now a very obvious precedent for that. At the time of the referendum on separation in Scotland, the Union parties undertook to deliver a Scottish devolution Bill regardless of who won the general election. That was done as part of Parliament's first business after the general election, and the Bill is about to become law.

A similar model would work for a citizens convention on UK democracy. It would require party leaders and senior parliamentarians who were representative of the majority of the electorate to undertake now, and publicly, to put the draft Bills produced by the convention into the parliamentary process after the 2020 general election, if they were elected. Some leaders may feel unable to commit themselves to that immediately, but it is important for the door to remain open to them and their parties so that they can join the conversation as it becomes irresistible, as it undoubtedly will. It is essential that the biggest ever conversation about our democracy takes place, to drive and motivate the process, and to discipline and inspire politicians to keep the pledge of parliamentary decisions on the outcome of the convention in 2020.

Let us get the ducks in a line. First, there must be a commitment on the political endgame from senior politicians. Secondly, there must be the establishment of a convention serviced by an impartial and respected team, whose non-party credentials would enable it to proceed to the third phase: the drawing in of the initial charitable funding to get the show on the road.

Once the convention was set up, it would of course have to decide its own agenda, but my expectation would be that the subjects it would report on would include: reviewing the powers and membership of the second Chamber; examining the voting system at parliamentary, devolved and local levels to encourage greater participation in public life; reviewing the position of local government in relation to the centre; considering the question of devolution for England; examining the legal recognition of constitutional provisions including individual rights; looking at the way in which the parties and our democratic institutions are funded; and any other relevant democratic issues that might be recommended by the convention as its work progresses. These are deliberately broad and vague areas, in order to enable the convention to develop its own priorities, having listened to the biggest public consultation exercise in British political history. Nothing, from electronic voting to a federal structure for the United Kingdom, should be precluded at this point.

The composition of the convention will be an important matter. I suggest that there should be about 100 persons, a majority of whom should be members of the public, and that they should be selected scientifically, perhaps by a respected polling agency. In addition, a minority of citizens convention delegates would represent political parties, voluntary organisations and other appropriate groups. It is important that there should be no command and control by politics; rather, there should be a bridge back into politics so that any recommendations can be taken seriously and tested at that level.

The whole convention, at UK, national and regional level, should be chaired by respected and diverse individuals. A chairs' panel similar to the one that operates in this House could include representatives of faith and non-faith, former judges, interested businesspeople and celebrities, with a good gender and diversity mix. This would also help to stimulate public interest in the debate on the future of our democracy. Obviously, the composition of such a convention is of the utmost importance, and the applicant for funding must devise a structure to enable all the nations and regions of the United Kingdom to participate fully. An agreed number of participants with institutional support of their own—relevant universities, for example—could perhaps lead the debate in Scotland, Wales and Northern Ireland, as well as in a number of regions in England, such as the south, the midlands and the north.

The working of a citizens convention would start with meetings held in the nations and regions of the United Kingdom, interspersed with national plenary meetings of the convention itself. This is not new territory; we need not be frightened of this. Even in recent history, we can draw on the experience of Ireland, Ontario, Iceland, British Columbia and of course Scotland in the very recent past.

The convention would have to be supported by a secretariat led by an experienced and esteemed academic institution drawing on non-partisan expertise from other

[Mr Graham Allen]

academic institutions throughout the land, in order to commission reports and proposals and, ultimately, back those up with draft Bills on each of the recommendations agreed by the convention. Again, Madam Deputy Speaker, you will be familiar with that concept because the Political and Constitutional Reform Committee did exactly that in creating the first draft written constitution with the hallmark of Parliament on it and the accompanying Bills. That would enable us to see exactly how these matters were going to progress through the parliamentary process.

The secretariat would be charged with supplying background for the debates, pulling together preliminary ideas and moving forward with the national convention towards recommendations and decisions. Given that we now have five-year Parliaments, we could take two years or so to make this process open, transparent and participative, building up a momentum and excitement across the nation, including in every school, college and university and every branch of every political party in the Union. Every single issue group could put forward their point of view in this open process. Every interested organisation, indeed every individual, could mirror the citizens convention structure to feed in their own ideas and run their own high-quality consultations outside the convention's own organisation.

It is essential that political parties, other than offering their very strong support for the creation of this convention, for the end game in making it real, and for proper funding, do not contaminate the impartiality of the start-up or the secretariat, as they must be seen to be absolutely non-party political and non-partisan. However, once the convention is up and running, political parties and every other organisation will be free, and indeed encouraged, to let rip to involve an ever-widening circle of people.

It is often said that the US constitution was created by 40 white guys in Philadelphia. The citizens convention, which would aim to remake our democracy, should have at its heart creating an agenda written by millions of founding fathers and mothers throughout the United Kingdom. For that to happen, the convention will have to go way beyond the normal stale processes that currently pass for public consultation. An immense technological leap is needed to reach individuals and organisations by, above all, maximising communication and engagement online. We did that in the Political and Constitutional Reform Committee, certainly in terms of the parliamentary process, engaging many, many more people than had ever been involved before, but that needs to be a pinprick compared with how we can involve people in deciding the sense of direction for their democracy over the next few years. This should be carefully worked up using initial funding. We have time to get this right if our target is to put proposals before a new Parliament in 2020.

Much hard organisational work would be needed to make this convention a success, but it would be driven by the mission of putting to a new Parliament in 2020 a set of Bills for consideration. Although support and participation from a majority of political parties is essential to keep the process running, that support would mean not unthinking acceptance of the Bills put to Parliament, but the normal process of amendment, scrutiny and decision making by a new Parliament—a Parliament that has gone through the experience of the public moulding these proposals—with a mandate for change. The public, having been involved in moulding the proposals, would take a very close interest in the outcome, driving it to fruition and ensuring that there are no delays.

It is time for a citizens convention to be created in the United Kingdom to ensure that there is a resurgence of faith in a democracy that is built and endorsed by the British people. Let us get on with it.

2.48 pm

The Minister for Civil Society (Mr Rob Wilson): I congratulate the hon. Member for Nottingham North (Mr Allen) on securing time for this debate and on giving us such an interesting and informative exposition of his views, although I do not share his feeling of impending constitutional peril. I hope that it will be helpful to him if I set out the Government's position on the idea of holding some form of constitutional convention.

Although I have enjoyed considering all the constitutional conundrums that these sorts of debates throw up, I have to be clear with the hon. Gentleman that the Government have no plans to establish a convention on democracy. There are two broad reasons for that position. First, the pragmatic and evolving nature of the UK's constitution means that it is completely unsuited to a convention. Secondly, the Government's focus must be on getting on with, and delivering, a fair and balanced constitutional settlement for the people across the UK.

Mr Allen: I agree wholeheartedly with the Minister that it should not be for the Government to set up a citizens convention on our democracy; in fact it would be almost the exact opposite of what we need. Rather than the Government, just one political party or even Parliament, doing that, it should come from outside this place and involve the population at large.

Mr Wilson: I am grateful for that clarification, but I need to put on the record the wider Government's position on this matter. To elaborate on the first reason that I gave the hon. Gentleman, I would remind him that the UK constitution is characterised by pragmatism and the ability to adapt to whatever circumstances in which it finds itself. The genius of that arrangement is its ability to deliver stable democracy by progressively adapting to changing realities. A static form of convention, deciding constitutional matters once and for all, does not fit that British tradition, which is one of evolving and adapting in line with people's expectations and needs. Our unique constitutional arrangements make possible agility and responsiveness to the wishes of our citizens. We in government believe that those wishes are very clear—a desire to be part of a strong, successful Union that recognises and values the unique nature of each of our individual nations that form that Union.

On the second reason for not holding a convention, I would remind the hon. Gentleman that the Government are busy delivering on their commitments to provide further devolution and decentralisation to the nations and regions of the United Kingdom. It is absolutely right that we prioritise getting on with the job that we

were elected to do—to work for a coherent constitutional settlement that provides fairness, opportunity and a voice for all. To that end—

Mr Allen: I am using the fact that we have just a little bit of time to engage the Minister, and he is taking it in good spirit, as always. May I first make it very clear that I congratulate the Government on what they have done on devolution in England; I have done so several times on the Floor of the House. Great progress has been made and I believe that even more progress will be made before 2020.

To return to the question of whether we can carry on as we are, in the Scottish referendum we did come within, I think, a couple of hundred thousand votes of the Union breaking up. There is currently, obviously, a serious debate about our future inside or outside Europe. A million people went off the electoral register very recently. There are many examples of why this is quite a difficult moment, and why perhaps an outside look at the way we conduct ourselves in the House and the Government might actually be quite beneficial to all Governments, all Parliaments and all parties.

Mr Wilson: I thank the hon. Gentleman for his recognition and kind words about the reforms that we have taken forward since 2010 and are continuing to take forward in this Parliament. As I said at the start of my comments, I really do not feel that sense of impending constitutional peril that the hon. Gentleman describes. What this Government are trying to do with our constitutional reforms will strengthen the Union by creating a fair and balanced settlement. Whether or not the hon. Gentleman agrees that we are doing it in the right way or quickly enough, that is what we are trying to achieve.

The hon. Gentleman mentioned Scotland. We are delivering further devolution to Scotland and Wales, and the fresh start agreement for Northern Ireland. We are creating some of the most powerful devolved legislatures in the world and it is fair that that devolution is now balanced by measures that we have introduced. The hon. Gentleman rightly credits the Government with addressing the English question—the West Lothian question, as it is often known. We are also devolving greater powers away from Whitehall to cities and regions, driving local growth in areas that have the strong governance now and the capacity to deliver. I know that the hon. Gentleman is very keen for his own area, Nottingham, to receive some of those powers and some more of those city deals. At the same time, we are holding a referendum on our renegotiated membership of the EU, for the first time in 40 years giving the people of the UK the chance to get involved and have a say on the matter.

We do not believe that all these important changes, which are designed to hand power back to people, should be delayed by the establishment of some form of convention. As the hon. Gentleman said, the process would begin only in 2020, if we were lucky. We do not want to wait until then to get on with the job that we have been elected to do now. As my colleague the noble Lord Bridges pointed out in the other place, there is little agreement on the scope or composition of a constitutional convention, so perhaps we would need a convention on a convention before we could get started.

Judging by the experiences of other countries—the hon. Gentleman mentioned a few—conventions often deliver little of substance. For example, the recommendations of the conventions in British Columbia and Ontario were rejected when they were put to the public in referendums. In Ireland, of the 18 recommendations made by the Irish constitutional convention, only two were put to a referendum and only one passed. We could spend a lot of time on achieving very little.

In evidence to the Lords Constitution Committee, my colleague the Chancellor of the Duchy of Lancaster, who is responsible for constitutional oversight, made the all-important point that what matters about the constitution is that it works, not that it has been neatly drawn up and is theoretically pure. Hence the Government are very much focused on ensuring that the UK's constitutional arrangements work for all our citizens, in a Union based on fairness, friendship and mutual respect.

I do not want to suggest that we are against reform of our democratic institutions or constitutional debate—categorically, we are not. Our programme of constitutional reform, from new devolution settlements to metro mayors and English votes for English laws, shows that we are delivering our electoral pledges to reform the way our democracy works in these areas, as the hon. Gentleman has rightly acknowledged. There will always be opportunity for debate and discussion about the UK's constitutional arrangements in this House. At the heart of our representative democracy is the sovereignty of Parliament, and people look to Parliament to debate, scrutinise and legislate. Constitutional matters should be no exception.

Mr Graham Allen: I think that the Minister is approaching the end of his remarks, so I will take this opportunity to jump in yet again. I commend the fact that the Government are consulting the people on the European question. However, given that that is taking place, surely there is no contradiction in the Government not initiating a constitutional convention, but allowing an external citizens convention to engage the public, just as the Government are rightly doing on the European Union, and seek their views on a whole number of other issues. It would not be a Government convention, so it need not wait until 2020; it could be created in a matter of months by leadership and stimulus from outside. That process could be going alongside the reforms that he has outlined, some of which I strongly welcome, as he knows, allowing the public to have a say as well.

Mr Wilson: I thank the hon. Gentleman for the clarification. Since 2010, the Government have consulted the people of this country on a number of occasions. In 2011, for example, there was the referendum on the alternative vote and the EU referendum is coming up shortly. Those are important ways of consulting the public about these highly controversial issues.

We are doing other things that I have not yet mentioned—for example, the boundary review and individual electoral registration, which are important parts of making sure that everybody's vote in this country is equal. All constituencies will be roughly equal as far as the number of constituents is concerned so that everyone's vote has an equal weight in a general election. That is an important reform. I do not know whether this is true of the hon. Gentleman, but some Members from his party do not feel that equal votes are an important part of those reforms.

Mr Allen: It was the all-party view of the Political and Constitutional Reform Committee that equality of votes can be achieved on a more sensible basis. If constituencies have to be 5% either side of the average constituency size by number of constituents, several hundred constituencies will be seriously disrupted, and that will affect Members of all parties. If the variance from the average can be up to 10%, just a handful of seats—perhaps 30 or 35—will be seriously disrupted. That is one of the reasons why colleagues in the last Parliament felt that the proposed boundary changes were not sensible. The Select Committee unanimously came forward with what we thought could be a consensus view: to get closer to an average, but not so inflexibly that massive disruption took place between communities and natural boundaries. The Minister has enticed me, but I am sure I will be called to order if I say much more.

Mr Wilson: I thank the hon. Gentleman. Reading into what he said, I do not think we are going to agree on boundary changes or equal votes.

On English laws, I should say that there have been concerns about how the system is working in Parliament and some of the procedures that we introduced back in October. Those procedures are still very much in their infancy. As the hon. Gentleman knows, the Government will review them later this year, drawing on the work of the Public Administration and Constitutional Affairs Committee and the Procedure Committee.

Mr Allen: May I make one final intervention?

Mr Wilson: The hon. Gentleman will have to be quick.

Mr Allen: May I say how generous and typically good spirited the Minister has been in giving way so many times? If we have a citizens convention inspired from outside this place, will he not rule out the possibility that the Government would be one of the participants and put a view to that convention?

Mr Wilson: I do not think I can answer that today. I have made the Government view clear. I hope that my setting out of the Government's position and explanation of why we do not see the need for a convention on democracy have been helpful. I am confident that at least some of the concerns that the hon. Gentleman wants to be discussed are either being addressed or will be by the end of this Parliament; as I have said, there are lots of initiatives at the moment.

I end by congratulating the hon. Gentleman again on securing this debate and thanking him for allowing us to discuss these important issues.

Question put and agreed to.

3.4 pm

House adjourned.

Written Statements

Friday 4 March 2016

BUSINESS, INNOVATION AND SKILLS

Science and Research Budget Allocations

The Minister for Universities and Science (Joseph Johnson): Science and research are vital to our country's prosperity, security and wellbeing. At a time of tight control over public spending, the Government continue to protect investment and support our world-class research base.

The Government are protecting science resource funding at its current level of £4.7 billion, which will rise in cash terms every year, for the rest of the Parliament. At the same time, we are investing in new scientific infrastructure on a record scale—delivering on the £6.9 billion[1] science capital commitment in our manifesto. The total investment of £26.3 billion between 2016-17 to 2020-21 builds on the protections for the science budget in the last Parliament—meaning a decade of protection for the science budget, and a decade of sustained investment by this Government.

This includes a new £1.5 billion investment over the period 2016-17 to 2020-21 in a new global challenges research fund (GCRF), to ensure UK research takes a leading role in addressing the challenges faced by developing countries. This is a unique opportunity for UK academics to work with partners around the world and at the same time to address some of the biggest challenges of our time.

While we are building new infrastructure, we are also ensuring we get the best return on our investments. Sir Paul Nurse set out his proposals to bring together the seven research councils under the banner of Research UK, and as the Chancellor confirmed in the spending review, the Government will take forward these recommendations subject to Parliament. As such, firm allocations are being provided for 2016-17 to 2017-18; with indicative allocations only for the later years in the SR period, 2018-19 to 2019-20. Allocations will be provided for these years as changes to the research landscape are taken forward.

The allocations made today make clear the Government's commitment to the dual support system. This system provides stability in the funding underpinning our research base through both prospective competitive grant funding for projects and programmes, alongside a block grant for universities, based on an assessment of the quality of their research. The block grant funding supports universities' research capability and infrastructure, enabling them to invest strategically and plan ahead; to develop and support excellent researchers; to explore novel curiosity-driven research, respond to emerging priorities and lever funding from other sources. This funding is an important driver of curiosity-driven research, and budgets allocated today show that for every £1 allocated to research councils, its allocation from the research budget increases from 63p as now, to over 65p by the end of the SR period.

We will be publishing further details of these allocations today.

[1] Includes £1.1 billion spent in 2015-16.

[HCWS579]

DEFENCE

Gifting of Land Rovers: Bulgaria

The Secretary of State for Defence (Michael Fallon): I have today laid before Parliament a Ministry of Defence departmental minute describing a gifting of Land Rovers that the UK intends to make to the Government of Bulgaria.

This gift meets a specific Bulgarian request for assistance to help patrol its borders.

The departmental minute describes a gift of 40 Land Rovers that are vitally needed and will provide immediate benefits. The gift comprises 40 Defender Tithonus Land Rovers totalling £443,000 including transportation by the civilian contractor. The cost will be borne by the Conflict Stability and Security Fund.

Subject to completion of the departmental minute process, delivery is expected to commence in May 2016.

[HCWS581]

PRIME MINISTER

Ministerial Correction

The Prime Minister (Mr David Cameron): During Prime Minister's Questions on 2 March I should have said that the latest available figures show that there are 432 fewer secondary schools operating at full or over-capacity than there were in 2010, and not 453 schools, *Official Report*, column 942.

[HCWS580]

WRITTEN STATEMENTS

Friday 4 March 2016

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