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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Friday 21 October 2016

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The House met at half-past Nine o'clock

PRAYERS

The Chairman of Ways and Means took the Chair as Deputy Speaker (Standing Order No. 3).

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. Before we begin today's proceedings, may I place on the record that a few minutes ago, at 9.15 am, we observed one minute's silence in remembrance of those who lost their lives in the Aberfan disaster 50 years ago?

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.

Sexual Offences (Pardons Etc) Bill

Second Reading

9.35 am

John Nicolson (East Dunbartonshire) (SNP): I beg to move, That the Bill be now read a Second time.

It is a great pleasure to welcome so many Members of the House to their places. When I was born in the 1960s—[HON. MEMBERS: "No!"] It is hard to believe, I know. Members will notice that I did not say at which end of the 1960s I was born. At that time, two men who were in love could be sent to prison for what they chose to do in the privacy of their own homes. It is hard to fathom the mindset of those who defended such gross intrusion into the lives and rights of others. When we read the speeches made in this place at the time of the decriminalisation Act, the Sexual Offences Act 1967, we see that many Members presumed to tell their fellow citizens who they could and could not love, often couching their speeches in the most prurient and lascivious terms.

So it went on. Even after decriminalisation, numerous homophobic laws remained on the statute book—laws that existed only to enshrine inequality, ensuring that gay men could never enjoy the full fruits of equal citizenship. When I was a student at Glasgow University, the student union banned the university gay society from holding meetings and dances on its premises. The gay students could do absolutely nothing about that, because there was no equality protection under the law.

When I left university and applied for a job in the civil service and the diplomatic service, I was told that I had to sign an affidavit confirming that I was not gay. I would not do that, and therefore I could not qualify for the post. In the 1980s, the tabloids screamed abuse about gay men and AIDS, and it was routine to conflate homosexuality with paedophilia.

Small wonder that it was hard to come out as gay. I confess that I found it tough. I came from a modest Presbyterian background, I went to church every Sunday, I went to Sunday school and I went to the crusaders. I prayed not to be gay. At school, gay was the worst taunt possible. There were, hon. Members may remember, gay and straight ways of throwing a ball, and it was important to be very sure which was which. [*Interruption.*] My hon. Friend the Member for Glasgow South (Stewart Malcolm McDonald) laughs in clear recognition.

We had few, if any, role models. The TV stars Larry Grayson and John Inman were staples of Saturday night television who fitted the gay stereotype: comic characters who were single and, as we know from their biographies, in denial about who they were. The future as a young gay boy did not look promising. Who would want to be gay in a country where gay people had to hide who they were, lie if they wanted certain jobs and even lie if they wanted to keep their jobs? It was, after all, legal for an employer to sack someone simply because they had discovered that that person was gay. Anyone could refuse to rent a house to a gay person. A gay couple could be arrested if they shared a hotel room, because the law did not recognise hotel rooms as private spaces. Perhaps most horrifyingly of all—here we come to the crux of today's debate—a 21-year-old man who slept with his 20-year-old boyfriend could be arrested and tried, convicted and sentenced for under-age sex.

[John Nicolson]

As a young journalist I made a film about how the law discriminated against gay men; in fact, I confess that it was I who took Edwina Currie to Amsterdam, at a time when she was not especially interested in this subject, as I wanted to confront her with the full horrors of gay law reform and equality. She came back a changed character—perhaps it was a couple of the clubs I took her to—determined to reform the law, because she had seen the way that gay law reform could work in practice.

In that film, I interviewed military personnel with exemplary records who had been followed home by the military police as they were determined to investigate a tip off that the soldier, Air Force man or naval officer concerned was living privately with a same-sex partner. When interviewed those personnel could be disciplined if they lied, but of course they could be and were sacked if they told the truth—damned whatever choice they made.

It was not until the 1990s that the European Court—yes, the great Satan itself—overturned the services ban in the teeth of military opposition. Military men hit the airwaves to predict the collapse of the British Navy, where such behaviour had previously never been known; Nelson, it seems, had never been kissed. Across the pond, Colin Powell was shamefully arguing the same tosh, in his case claiming that straight soldiers would never share a shower with gay soldiers if they knew their true nature. Much better to hide and share the shower, if we follow Mr Powell's logic; I do not.

In my documentary I interviewed gay men who had been entrapped by so-called pretty policemen. I also interviewed Chief Constable Anderton of Greater Manchester, beloved of the tabloids as “God's copper”, with a bushy black beard of biblical proportions. He sat at his desk and defended the practice of sending out attractive young male police officers who would give gay men the eye; if the gay man responded, he would be arrested and his life would be ruined. Since announcing the Bill, I have had letters from people who have told me of their exact experience of being entrapped by police officers and how it ruined their life. This entrapment was a police priority in one of the country's biggest cities in the 1990s. It is hard to fathom, because it was a disgrace. Gay men were not free at home or at work. They were not protected by law. They were under sustained attack by the law.

I felt myself lucky. I had supportive friends, a loving family and a good job. I came out, and have never regretted doing so for a moment. And goodness knows, I am now a member of the gayest party in this place. [HON. MEMBERS: “Hear, hear!”] Just look at them.

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): It's not unanimous! [Laughter.]

John Nicolson: I think a heterosexual has just come out of the closet.

Our very gayness has made Westminster the gayest Parliament in the world. [Interruption.] I am just looking at the gentleman in the wig and wondering how he is reacting. [Interruption.] He's left, in fact.

I will never forget the men in the documentary I presented for the BBC, and their ruined lives—lives scarred by a bitter sense of injustice. When I came top

of the ballot, I saw a golden opportunity. Society has moved on. We are now horrified by the inequalities of the past. We cringe when we read the homophobic rantings of some of our predecessors in this place. We believe that gay service personnel should serve, that being gay should be no bar to a career in the diplomatic service or any other service, that gay couples should be able to share a bed in a hotel, that gay kids should not be harassed and bullied at school, that chief constables should not send out officers to flirt with and entrap citizens, and that the age of consent should be equal. Looking across the House, I know that there is consensus about that in this place just as there is in society.

We do not want any of these prejudices for our future. But what about those living with unfair convictions from our past—how do we address their grievances and the injustices that they suffered? I detailed some of the cases that I covered for my documentary, and I am sure that all of us, as diligent MPs, have had mail from people who have found themselves in these circumstances. What about the men of 21 who had a boyfriend of 20 and as a result found themselves arrested, tried and convicted for under-age sex—just think about what it means to have that on your record—with a man who was perhaps only a few months younger than they were? These are people who were in a consensual relationship with a contemporary. That contemporary was old enough to serve in the military, drive a car and have a child of four legally, but was regarded by the homophobic laws of the time as a 20-year-old child unable to give consent. Those 21-year-olds have then had to endure, perhaps for decades, an unfair criminal conviction for under-age sex that may have blighted their lives.

Stonewall, the extraordinary gay rights organisation that has led the national debate on gay law reform, had a solution: the Turing Bill, named after the wartime code-breaking hero Alan Turing. Mr Turing may have been hailed by Churchill, but that did not prevent him from being charged as a homosexual and being chemically castrated. He committed suicide as a result. In his honour, Stonewall wants all gay men living with convictions for crimes that are no longer on the statute book to be pardoned. I could not think of a more noble Bill to pilot through Parliament. With old friends from all parts of the House, I felt that the Bill would attract all-party support, which indeed it has; I thank those who have supported it.

When I was approached by the Tory Whips and asked whether I would take on the Bill I was delighted to do so. The Conservative Whips asked me for a meeting and promised that if I took up the Turing Bill there would be—and I quote them exactly—

“no tricks and no games from our side.”

I felt as if I was in an episode of “House of Cards”. The right hon. Member for Surrey Heath (Michael Gove), a principled long-term campaigner for law reform, was the Justice Secretary at the time. He promised me the full support of the Justice Department.

I have worked closely with Stonewall on the Bill. Let me tell the House what the Bill does and does not do. It provides a blanket pardon for any gay man convicted of a crime that is no longer a crime. The meaning of that is patently obvious. If the crime for which someone was convicted is still a crime, by definition they are not pardoned. Let no one be confused about that.

The aim of this simple measure is, I hope, obvious. The pardon confers no immediate advantage except this: it will, I hope, bring closure to those men who have had to thole monstrous, unfair criminal convictions for decades. They may have had to hide their conviction from family or friends; it may have prevented them from applying for a job. With my Turing Bill they get a pardon and so belated justice and the knowledge that society has acknowledged that a great wrong was committed against them.

I believe that the vast majority of gay men with convictions will be satisfied with this anonymous, private triumph, but there may be some who want something more—who feel that they should not be offered a pardon for something that was never wrong in the first place. For those men I offer an additional option, should they choose it: they will be able to have their name expunged from the records. However—and this is important, as many Members have raised the point with me—the records are often imprecise. Often there were “catch-all” arrests where the police did not specify the detail. So where the records are imprecise and where it is unclear whether the under-age party was 20, 19, 18, 17, 16—or, crucially 15 or younger—the onus will be on the applicant to prove the age of his partner at the time of the arrest.

As a result, some men might not be able to have their records expunged because they are unable to provide the necessary proof, even though their then partner was over today’s age of consent—and I recognise that that will be deeply frustrating for them. However, this provision absolutely satisfies the concerns raised that we must be rigorous in ensuring that only those who have convictions for crimes not now on the statute book benefit from these measures. All the legal advice I have taken leaves me satisfied that this Bill absolutely addresses that concern and is as watertight as it is possible to be under the circumstances.

Stonewall believes that only small numbers of men will avail themselves of this provision—the second provision of my Bill. Many of the men affected are old, and these matters are far in their past and perhaps a secret. The requirements I am imposing would be time-consuming and perhaps distressing for them to satisfy. I believe and Stonewall believes that they will be satisfied with my automatic pardon. They will not seek to have the details expunged manually from their record.

If you will forgive me, Mr Speaker, I want to come back to the

“no tricks and no games”

promise. SNP Members may not be planning to stay in this House for very long, but other Members are passionate about Westminster and want Westminster to succeed, so surely nothing we do procedurally should bring this House into disrepute, when we know that certain words such as “filibuster” shock and horrify ordinary members of the public who think such things are appalling.

The Parliamentary Under-Secretary of State for Justice (Mr Sam Gyimah) rose—

John Nicolson: I was hoping for an intervention, and at last one has come.

Mr Gyimah: I thank the hon. Gentleman for allowing me to intervene so early in the debate, and I congratulate him on all he is doing to raise in public the profile of

this very important issue. The real question that we need to answer today is how we can deliver justice in the quickest, fairest way to those who have suffered the humiliation of conviction under archaic laws. Yesterday, the Government announced that we would answer this question with a legislative vehicle that will provide a pardon for those people within a few months. This delivers on a manifesto commitment, but it also has cross-party support. The amendment will be brought forward by a Liberal Democrat peer, and the Labour leader, the right hon. Member for Islington North (Jeremy Corbyn), yesterday called the move “a great victory” for all who have campaigned to right this wrong.

As well as honouring the dead, this would—*[Interruption.]* I would be grateful if the hon. Gentleman heard me out. As well as honouring the dead, the hon. Gentleman seeks a pardon for the living. We have developed a way to do that without giving any perception that the pardon covers perpetrators of sex with a minor or non-consensual sex.

What I would like to do today is to make a full and open offer to the hon. Gentleman to work with officials in the Ministry of Justice and the Home Office and with Stonewall to give real effect to this pardon for the dead and the living as fairly and quickly as possible. I therefore ask him to withdraw the Bill and support the amendment that has cross-party support in this House and in the other place to resolve an injustice that has been left unchallenged for too long.

John Nicolson: I thank the Minister for that, and I accepted the Government’s offer back in June. We have had plenty of time to chat about it. I have to say that standing up to propose an offer of co-operation on the very morning of my debate might be regarded as leaving it somewhat late for a further private chat. The Minister shakes his head to say that that was not his offer and that he did not know anything about it, but I can assure him that I have been talking to members of the Government on and off since June.

Yesterday, the Government—the Minister has just said it—accepted an amendment to the Policing and Crime Bill in the House of Lords and claimed that it was the Turing Bill. It is not, even though some rather obliging news outlets have trumpeted their claim after reading the press releases. I will leave it to Members to decide whether it is fair to attempt to hijack my Bill some 36 hours before its Second Reading in this place.

The private Member’s Bill process is, after all, intended to allow those of us not in government to seek to leave a legacy of legislation that we believe is good, kind and worth while. I believe that this Bill is kind. The amendment accepted by the Government would, if I understand it correctly, grant an automatic pardon to the deceased, yet the Minister says he is very concerned that the Bill’s provisions would be misused because some people who have behaved improperly would get under the radar and get pardons that they were not entitled to. If he thinks it is hard to enforce that for the living, imagine how much harder it is, by his own logic, to enforce it for the dead. There is an intellectual incoherence here. The Minister can shake his head, but there is an intellectual incoherence at the heart of what the Government are proposing, and I fear that they have not really thought it through.

[John Nicolson]

I know that because I have been told in the course of introducing the Bill that I would get Government support; then that I would not get it; then that I would get Government support again; and then that I might get it. I am afraid that the Conservative Government have been all over the place on this. I was very keen to avoid this becoming a party political issue. At no point have I gone to the press or given interviews in which I have referred to the Bill as an SNP measure. In fact, as the Minister knows, it is an English measure. For those who criticise the SNP and say that we are overly concerned with the constitution and Scottish issues, here is something that tackles an English injustice.

Mr Gyimah: Will the hon. Gentleman give way?

John Nicolson: No, I will not.

I was keen to promote this Bill on a cross-party basis, and the large number of signatories from both the Conservative party and the Labour party who wanted to support my Bill rather proves the point.

Craig Williams (Cardiff North) (Con): I commend the hon. Gentleman for the tone he is adopting today, but he said “English only”. Speaking as a Welsh MP, I point out that it is England and Wales. I would like to remind him of that country—tagged on, in his opinion, to England—and tease out from him what the situation is in Scotland with the Scottish Government.

John Nicolson: My humble apologies for saying “England only”. No one finds that more annoying than the Scots, so I beg the hon. Gentleman’s pardon for that. He will know, of course, that the Scottish Government have been a long-term champion of gay rights. The country has become famous for the progress it has made on this issue. I remember a time when we were told by opponents of devolution that we should not have a Scottish Parliament because we relied on Westminster to keep us liberal. That was an old argument that I remember from the 1970s: we needed English and Welsh MPs to keep us on the right side of liberal law reform, otherwise we would be a religious puppet state—a sort of Presbyterian Iran. I like to think that the progress we have made since Holyrood came into being has rather shown that we have a good record on this issue.

To address the hon. Gentleman’s point, I have had discussions with Scottish Ministers. There is, of course, widespread welcome in Scotland for this legislation, and it is my belief that Holyrood would enact something very similar in due course.

Mr Gyimah: Will the hon. Gentleman give way?

John Nicolson: No, I will not.

Let us focus exactly on what it is that the amendment that the Minister mentioned does. The amendment accepted by the Government would grant an automatic pardon to the deceased. Of course that is great, and my Bill makes the same provision, but I have to ask the House: should we not prioritise the living over the dead?

I wonder whether Members spotted an elderly gentleman who toured the TV and radio studios yesterday. He is a 93-year-old who feels immensely strongly—[*Interruption.*] No, no one on the Labour Benches. This was somebody

different who toured the TV studios talking about the injustice that he feels about his criminal convictions. He hash-tagged himself “the oldest gay in the village” on Twitter. He is 93, and he says that he is determined to live to 100 to see justice served, because he has lived with a sense of injustice for all these years.

Mr Gyimah: Will the hon. Gentleman give way?

John Nicolson: I am going to make progress.

How odd would it look for the elderly to be told that they must wait until they die for the automatic pardon that the Government now seem to be proposing? Let us finish the law reform that we have started by recognising that the victims of society’s prejudices are still hurting, and are still alive. They deserve the peace that the Bill would bring. [*Applause*]

10 am

Craig Whittaker (Calder Valley) (Con): Our history is littered with minority groups who have been caught up in illegal acts in the past, under laws that we consider today to be quite unbelievable, and also discriminatory. We cannot imagine such laws now, because morality and ethics have changed beyond all recognition since those bygone eras. There is a string of moral and ethical subjects that we cannot imagine criminalising, although in some parts of the United Kingdom they are still criminal offences.

As recently as April this year, a young woman in Northern Ireland could not afford the fare to England for an abortion and, in desperation, took abortion pills which she had bought online and performed a self-abortion. Under Northern Irish law, she was arrested, charged, sentenced to three months in jail suspended for two years, and finally criminalised. She was convicted in Belfast High Court under ancient laws that had come into force under Queen Victoria, but still sit on the statute book of Northern Ireland.

Prostitution is another moral subject in respect of which, historically and today, a great deal of ambiguity surrounds what is and is not illegal. Having moved away from one stereotype—that of the disreputable woman as a seller of sexual services—we now view the prostitute as a vulnerable, exploited victim. The laws relating to prostitution in England and Wales are far from straightforward. The act of prostitution is not in itself illegal, but a string of laws criminalises activities connected with it. It is an offence, for example, to cause or incite prostitution, or control it for personal gain. The Sexual Offences Act 1956 bans the running of a brothel. If more than one person—the law is gender-neutral—is available on premises for paid sex, those premises are a brothel.

Chris Bryant (Rhondda) (Lab): May I correct the hon. Gentleman slightly? There is no definition of a brothel in law. Common law allows the courts to determine that a brothel is a place frequented by men to perform lewd homosexual practices including dancing, and the term has often been used in that sense. There is still plenty on the statute book that needs to be reformed.

Craig Whittaker: The hon. Gentleman makes my point eloquently. The law relating to prostitution is so ambiguous that it is easy to see how people can be charged with offences that we consider ridiculous nowadays.

Whether or not one is morally opposed to some of these acts is not the issue. A progressive Government, in a modern-day democracy, will continue to consider all the issues and debate them openly. As a Conservative, I am proud that some progressive laws have been introduced under successive Conservative Governments. The decriminalisation of homosexuality is one example: it was Churchill's Government who commissioned the Wolfenden report in the late 1950s. That was by no means a turning point in history, but it was the start of a lengthy process to put right a great wrong.

It would be easy to argue—as I am sure many of my colleagues will—that a crime is a crime, and that that was the law of the land at the time. So why are we considering pardons for laws that our forefathers thought were apt for the time? Why should we feel guilty on behalf of past law-makers who, like us, made laws and passed legislation that fitted the mood and the times of that particular day? Why should there be a pardon for gay and bisexual men when there are so many other historical moral issues that could easily be subjected to the same argument?

For me, the answer has to be the police. We all know that, historically, we have seen our police forces operate in a way that has sometimes not been totally honest, open or above board. We need only recall what happened at Hillsborough, not to mention the cases of abuse that have been swept under the carpet. Even today, many Members still come across cases in respect of which we cannot help questioning the ethos of our local police forces, knowing full well what has gone on historically. When it comes to criminal convictions for homosexuality, it does not take too long to trawl the internet and see what was common practice on the part of local police forces in years gone by.

In 1958, a public lavatory used for cottaging in Bolton—not a million miles from my constituency—was well known to police and magistrates, but there had not been a conviction for 30 years. However, there would be intermittent trawls through the address books of suspected homosexuals, with the result that up to 20 men at a time would appear in the dock, accused of being a “homosexual ring”, although many of them might never have met each other before. In one case, there had been no public sex, no under-age sex and no multiple sex, yet the men were all dragged to court, and a 21-year-old who was considered to be the ringleader was sentenced to 21 months in jail. Interestingly, an issue of the *Bolton News* contained five letters in support of the convicted men and none against them. The deputy editor was visited by the local police, who wanted to know whether he really believed that this was what the people of Bolton thought about the enforcement of the law.

In the mid-1950s, there was the atmosphere of a witch-hunt—probably not unrelated to what was happening in America with McCarthy—and there were consequent opportunities for blackmail. A chap called Leo Abse, who eventually piloted the Sexual Offences Act 1967 through this very Parliament, recalled that, when he was a lawyer in Cardiff, all his fees from criminals suddenly started coming from the account of one man. He investigated, and found that the man was “a poor vicar”. The criminals were bleeding him dry through blackmail.

Members of Parliament on both sides of the House began to demand action, and one or two newspapers ran leaders. Then there was another high-profile case, in

which the police were called to deal with one matter and ended up prosecuting for another. Edward Montagu, later Lord Beaulieu, contacted the police over a stolen camera, and ended up in prison for a year for gross indecency. Two of his friends, Michael Pitt-Rivers and Peter Wildeblood, got 18 months. Their trial in 1954 probably influenced the decision of the then Home Secretary, David Maxwell-Fyfe, to establish the Wolfenden committee to consider whether a change in the law was necessary.

Should men like those be pardoned? Of course they should. The police and magistrates clearly abused their powers to instil fear and practise entrapment. The question for us today, however, is whether we should support the Bill or wait for the Government amendment to the Policing and Crime Bill. This Bill proposes a blanket pardon for the living without the need to go through what is known as the disregard process. The Government amendment is exactly the same, but would mean that the living would have to go through the disregard process.

Mr Gyimah: We already prioritise the living, notwithstanding what was said by the hon. Member for East Dunbartonshire (John Nicolson). They can go through the disregard process and be given a statutory pardon at the end of it. What is important is the safeguard that prevents someone who has had sex with a minor from receiving a blanket pardon and then, for example, going to work in a school.

Craig Whittaker: I thank my hon. Friend for that clarification. He has taken two paragraphs out of my speech. One reason why I cannot support this private Member's Bill is that, despite what the hon. Member for East Dunbartonshire (John Nicolson) claims, I do not believe that it is watertight. People could claim to have been cleared of certain offences when in fact those offences are still crimes. Such offences include having sex with a minor and non-consensual sexual activity.

Joanna Cherry (Edinburgh South West) (SNP): I am sure that the hon. Gentleman prepared for the debate today by reading the Bill. He will be aware that clause 1, which sets out the effect of the legislation, states:

“Nothing in this Act is to be interpreted as pardoning, disregarding or in any other way affecting cautions, convictions, sentences or any other consequences of convictions or cautions for conduct or behaviour that is unlawful on the date that the Act comes into force.”

What is unclear about that?

Craig Whittaker: I hear clearly what the hon. and learned Lady says, but my big concern is: how do we physically put that through a due diligence process? The disregard process will do just that. I have already said there are a lot of men who clearly should be pardoned, and that there should be a process for doing that, but how do we physically check the process? The disregard process is there for that exact purpose.

Mike Weir (Angus) (SNP): Did the hon. Gentleman not listen to my hon. Friend the Member for East Dunbartonshire (John Nicolson) explaining this? Anyone wanting to go through this process will have to prove the age of the other party involved in the incident that led to the conviction. My hon. Friend conceded that

[Mike Weir]

that could be very difficult in some cases, and many people will find it impossible, given the state of the records. However, it is a safeguard against the very issue that the hon. Gentleman is talking about.

Craig Whittaker: I do not agree that it is a safeguard. If we give a blanket pardon, where are the safeguards in that process? We already have a disregard process in the system, and it is important that we should have these safeguards in place. It is still an offence in this country to have underage sex, and given the issues around safeguarding children in our schools, it is vital that we have those safeguards in place. I have every sympathy with the hon. Member for East Dunbartonshire's Bill, but I will not be supporting it. I will, however, support the Government's amendment to the Policing and Crime Bill, because it is incredibly important that we have safeguards in any process that we put in place. I believe that disregarding the disregard process would be the wrong thing to do.

10.12 am

Chris Bryant (Rhondda) (Lab): I warmly congratulate the whole Scottish National party on turning up today to support the hon. Member for East Dunbartonshire (John Nicolson), who has put forward his argument extremely well. It is strange, living in this world today and looking around this country, to see how much has changed so very rapidly. Young people at school today are not ashamed of owning up to being gay, lesbian, bisexual or whatever. Every one of us who goes into a secondary school today will probably see kids who are happy to do that. When most of us went to school, there was probably nobody in that category at all.

Civil partnerships and same-sex marriage have made an enormous difference to the way in which the whole of society looks at homosexuality. Many children in primary school will know other kids who have gay parents. Either because they have been adopted or surrogated or in some other set of circumstances, they will have ended up having two dads or two mums. That is not an uncommon experience for many youngsters growing up today, and I hope that the future will be even warmer than that.

I do not think that any employer in Britain today would think it right to sack somebody just because of their sexuality. As the hon. Member for East Dunbartonshire said, it is a delight that that now applies to our armed forces and to the police. I remember that Ministers were making complicated decisions only a short time ago about whether to allow members of the armed forces to march in gay pride marches in uniform. That debate seems bizarrely outdated nowadays. There is a phenomenal sense that we have made enormous achievements and great strides in this country.

Mr David Nuttall (Bury North) (Con): Does the hon. Gentleman agree that much of the progress in the change in attitudes towards gay and lesbian people in society has come from the media and how gay and lesbian people are portrayed in soap operas? I understand that the House is about to be joined by a former actress from "Coronation Street", and I offer the gay vicar

character from that soap opera as an example. This has all helped to change the way in which gay and lesbian people are portrayed.

Chris Bryant: I think that media portrayals have been a double-edged sword, to be honest. I am slightly sick of the fact that quite often the gay character in a crime drama will be the murderer, for example. Larry Grayson and John Inman have already been mentioned. John Inman always maintained that his character in "Are You Being Served?" was not gay, and it is true that the campest people I know are all heterosexual men. But, yes, it did matter when Michael Cashman's character kissed another man in "EastEnders". That was a change-making moment, and I think that British society might have moved on faster because of our broadcasters, partly through Mrs Thatcher's creation of Channel 4, which was given the role of being edgy and different. Those factors made it possible for us to make great strides very fast. It does not always work like that, however. I am still mystified why Australia, which seems to be the campest nation on Earth—it is obsessed with Abba—still does not have any form of legalised gay relationships. I very much hope that that is going to change soon, and I shall say more about that in a moment.

I remember the rows, during my time as an MP, when the House of Lords refused to vote for an equal age of consent or to get rid of section 28. We had to use the Parliament Acts to push that measure through. More recently, however, more Conservative Members of the House of Lords voted for same-sex marriage than did Conservative Members of this House. There has been a phenomenal change, and I delight in that fact.

I remember a row in this House about whether we should ban discrimination against gay couples in the provision of goods and services, including adoption services. I was struck by the Catholic Church's argument at the time that it was fine for an individual gay person to adopt a child but not for a gay couple to do so. In the Church's mind, a settled relationship was a more dangerous place for a child than being with a single gay person. I just did not understand that logic. The truth of the matter is that many of the most difficult-to-place kids are placed with gay and lesbian couples. I am glad that, in the end, this House and House of Lords wholeheartedly endorsed the idea that there should be no discrimination in the provision of goods and services.

Not everything is perfect, however. Bullying in many different forms is still a fundamental problem in schools, for example, and it is very difficult to eradicate. As the hon. Member for East Dunbartonshire said, one aspect of that bullying is related to sexuality. The word "gay" is all too often used pejoratively, and schools sometimes have difficulty in dealing with these issues. My husband Jared is a trustee of a charity called Diversity Role Models, which goes into schools to help them to talk through these issues. It is a phenomenal shame that we still do not have proper sex and relationship education in every school in this land without any school being able to opt out. Such education can result in most kids delaying their first sexual experience, which helps to cut the level of teenage pregnancy. It is better for everyone all round when there is proper sex and relationship education.

I cannot remember whether I am slightly older or slightly younger than the hon. Member for East Dunbartonshire—

John Nicolson: Older.

Chris Bryant: I see that the hon. Gentleman is in his usual magnanimous mood. Being slightly older, then, I have even more experience and wisdom to impart to him.

I remember that one of my first experiences on coming to London was meeting a couple called Christopher and Illtyd, who had lived together in a one-bedroom flat since the 1950s. Just after I first met them, one of them was attacked on the way home, sustaining many injuries, some of which they worried would be permanent. The guy had insisted on coming into the house and had burgled them at knifepoint. What was striking about their story was that they could go neither to the hospital nor to the police because they were two men living in a one-bedroom flat and that was a criminal offence under the law of the land. They knew that they would not get justice despite what had happened to them. There are countless thousands of others to whom that situation applied.

I remember a case involving two of my friends at university. I was sort of straight at the time—*[Interruption.]* I am a practising homosexual now, and one day I will be quite good at it. Incidentally, I was also a sort of Conservative at the time, but we will not go into all that—many, many sins. My friends—two 19-year-old men—got into trouble with the university police because they had had sex and that was a criminal offence at the time because they were under 21. A college room was not a private place under the law and the two were sent down, receiving a criminal conviction and never finishing their degrees.

Until the Sexual Offences Act 2003, importuning was illegal in this country. Importuning is a strange word. It was used by the police for many convictions right up until 2003. If a man met somebody in a bar whom they did not know before and went home with them, that was importuning and he could be sent down for it. If the police could not secure a conviction for something else, they often relied on importuning to bring a charge.

Many people hid their sexuality for the simple reason that they were terrified of being sacked or not being promoted. I pay tribute to John Major, who I think was the first Foreign Secretary to say that people would not be sacked just for being gay in the Foreign Office. A number of people were subject to blackmail even in very ordinary jobs and in their local communities. They did not have to know state secrets; they just had to be frightened of being exposed as being a criminal and potentially sent to prison. The number of suicides has remained stubbornly high, and I will refer to one later on.

Historically, the UK since its foundation in 1801, Great Britain since 1707 and England before that have had the toughest laws in the world on homosexuality—much tougher than in France under the Napoleonic code, which made no reference to any of this. Some of our former colonies still have some of the worst laws, with capital punishment surviving in places.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): We have made great strides towards equality, but we still live with the legacy of antiquated legislation. We need only to look at certain Commonwealth countries for examples. In some cases, the anti-gay laws are mirror copies of those that existed here. Does the hon. Gentleman agree that if we are to start making reparations for this wrongdoing in addition to pardoning those who were convicted, we must seek to influence other members of the Commonwealth where gay men and women do not enjoy the freedom to be who they are?

Chris Bryant: Yes, I wholeheartedly agree. Indeed, when I was a Foreign Office Minister for about two and a half seconds—

Philip Davies (Shipley) (Con): Too long!

Chris Bryant: Far too long. I tried to push forward some of these issues. The Foreign Office can play an important role around the world in tackling abuse in countries as diverse as Iran and Russia. I say to my Australian colleagues, “For heaven’s sake, just get your act together.” They should join the company of nations that have changed. If Argentina can have gay marriage, if Spain—so dominated, historically, by Catholicism—can have gay marriage, why on earth cannot Australia, the country of “Priscilla, Queen of the Desert”?

We are debating today one of the worst periods in our history. In the 1870s and 1880s a series of scurrilous and horrible newspapers whipped up deliberate hysteria around homosexuality. It led to the Criminal Law Amendment Act 1885, a serious piece of legislation that tried to tackle the problem of under-age women being abused in the prostitution trade. Henry Labouchere introduced a clause that I want to read out so that people realise how pernicious the legislation was. It stated:

“Any male person who, in public or private, commits, or is a party to the commission of, or procures, or attempts to procure the commission by any male person of, any act of gross indecency with an other male person, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labour.”

It could not have been made more wide reaching:

“in public or private commits, or is a party to the commission of, or procures, or attempts to procure”.

Any court would be able to interpret the legislation as it felt fit. The final line about “hard labour” is, famously, partly what ended up killing Oscar Wilde. The legislation led to thousands of people being sent to prison and doing hard labour.

There was a campaign in the 1920s to try to rid the country of this “scourge”. A young lad from the Rhondda, a railway porter called Thomas, was caught by the police outside the Tivoli theatre, and they tried to do him for gross indecency. He was sent to prison for three months and did hard labour. The only evidence that they had to advance was that he had his mother’s powderpuff in his pocket, but he was sent to prison for three months. I am so proud that the MP for Rhondda West at the time, a miner called William John, gave evidence on behalf of the young man, but the court did not listen.

[Chris Bryant]

We find the same things all over again in the 1950s. David Maxwell Fyfe, the then Home Secretary, was wonderful as one of the inquisitors at Nuremberg and in helping to draft the European convention on human rights, but he was shockingly homophobic and forced the Home Office and the police to run a campaign to rid this country of the “scourge”, as he put it, of homosexuality. One of the terrible ironies for him was that two of the first people trapped were Conservative Members of Parliament.

I listened to what the Minister said, but there is a real problem about trying to force people to go through another process. For someone now in their 70s or 80s, the conviction might have been like a brand on them for their entire life. It might have caused terrible problems in their family life. It might have meant that they were never able to do the job that they wanted to do, such as a teacher not being able to go back to teaching. Friends and relatives might have shunned them. It might have made them feel terribly ashamed. Why on earth would they want to write to the Home Secretary, asking, “Please may I be pardoned?” Why on earth would they want to go through that process all over again? Why on earth would they want someone to analyse whether they were guilty of something way back when?

The Minister made a good argument about our working together, but the way to work together is to agree to the Bill. We can then go into Committee and if things need to be put right, let us put them right. The hon. Member for Calder Valley (Craig Whittaker) said that this Bill is not watertight. I say to him: let us make it watertight. The place to do that is in Committee, rather than by turning our back today.

Several hon. Members referred to the fact this might be called the Turing Bill, but I do not want to call it that; I want to call it the Cartland, Macnamara, Muirhead, Bernays, Cazalet Bill. At the start of the 1930s, many MPs and politicians in this country, most of them Conservative—there were not many Labour MPs in the early 1930s—were convinced that Germany was a good country, because it had very liberal attitudes towards homosexuality. Berlin in the early 1930s was one of the best places for a gay man to live—we can think of Christopher Isherwood, “Cabaret” and all the rest of it. One of those MPs was Jack Macnamara, who was elected for Chelmsford in 1935; another was Robert Bernays, a Liberal who had been elected in 1931; and a third was Ronald Cartland, who was elected for Birmingham King’s Norton. They changed their minds when they saw what was happening to homosexuals in 1930s Germany. Originally, they had thought that the Versailles treaty was unfair to Germany and it should be overturned, and that Germany should be able to remilitarise the Rhineland and to change its future. In 1936 Jack Macnamara visited the Rhineland, expressly to support its remilitarisation. When he was there he “accidentally”—that was his word—visited a concentration camp: Dachau, which was the only one that existed at the time. The people who were in Dachau were the politically unwanted—a lot of Jews and some homosexuals. He saw the violence that was being perpetrated against them, and when he came back to this country he and others became the most vociferous campaigners against appeasement in this House.

Robert Bernays, Jack Macnamara, Anthony Muirhead, a junior Minister, Victor Cazalet, Philip Sassoon, Harold Nicolson and Ronald Tree were gay or bisexual, and they campaigned vociferously in this Chamber and around. They campaigned against Jew-baiting. Jack Macnamara made a speech in here about Jew-baiting and was spat at that evening when he went to the Carlton club—he never went back. Ronald Cartland, the younger brother of Barbara Cartland, was probably the most courageous in the Munich debates, saying that it was terrible that we should capitulate and appease Hitler.

What did the then Government do? What did Neville Chamberlain’s cronies do? They called these men the “glamour boys”. They got newspapers to ring them up and ask why they were still not married and why they were bachelors. They had these men’s telephones tapped and had them followed, and when these MPs made speeches, they threatened them with deselection—and yet they persisted. It is my very strong belief that had it not been for those gay and bisexual men, we would never have faced down Hitler and we would not enjoy today the freedoms that we do.

I mention some of those names because of their shields up here in the Chamber. Jack Macnamara desperately wanted to fight in the second world war, because he said, “I’ve argued for this war, I should fight.” Although Macnamara he had been in the Army before he came into the House, Churchill wanted him to serve in some capacity on the home front, and not overseas. Jack Macnamara got his mother to write to Churchill, month after month after month, until eventually he was given a posting in the Adriatic and he saw service. He was killed when the Germans bombarded him and his troops in Italy.

Ronald Cartland was disabled and failed his first medical test, but he managed to persuade somebody to perform another one and he was drafted. He was sent to France in early 1940. He and his troops were holding the fort at Cassel, in the triangle between Calais and Dunkirk, and he was one of the last people out of the fort. They kept on for four more days than they should have done for their own protection, so that thousands more British troops could escape from Dunkirk and Calais. As they left Cassel, it was one of the very few times when the commanding officer in the British armed forces actually said, “Every man for himself.” He was killed on the route back to Dunkirk.

Anthony Muirhead, whose shield is just above us, committed suicide just after the war had started. It is often said that he did so because he was not able to fight, but I suspect it was actually because the newspapers were pursuing him about his private life.

Robert Bernays, the Liberal MP for Bristol North, was killed in a plane crash over the Adriatic, again in military service.

Victor Cazalet, the MP for Chippenham, died in an air crash. He had become a close friend of the free Poles and died in the air crash along with General Sikorski.

We, as a country, owe not only those people, but so many other men, since the Labouchere amendment, something that feels like an apology—something that really says, “I am sorry we got this wrong. You were brave, courageous men. We got it wrong. You were right. We owe you a debt of gratitude.” [Applause.]

10.35 am

Crispin Blunt (Reigate) (Con): It is of course a pleasure to follow the hon. Member for Rhondda (Chris Bryant). As a former sort of straight Conservative, we at least appear to have been on half a journey together. No one can doubt the wider case he made for the Bill. On the narrow point he made about the Bill, I entirely agree with him and want to come back to it in the course of my remarks. The emotion with which he presented his case was also more than exemplified by the hon. Member for East Dunbartonshire (John Nicolson), whose speech was characteristic of his usual brilliant self, as one would expect of a world debating champion; I first came across him when I was president of the Durham union society, a horribly long time ago, and his words were both powerful and emotional. He, like the hon. Member for Rhondda, introduced the wider case and the wider background to the Bill, and why this issue matters so much, particularly to the lesbian, gay, bisexual and transgender community.

Let me turn to the narrow issue of the Bill, as I wish to confine my remarks to that. The royal pardon given to Dr Alan Turing in December 2013 was widely welcomed as helping to put right the injustice he suffered by being convicted of “gross indecency” in 1952 and the subsequent physical and emotional damage he endured through chemical castration, which led to his suicide. It is true that that posthumous pardon changed the precedent for the exercise of the royal prerogative of mercy. As the Government of the day stated:

“A pardon is only normally granted when the person is innocent of the offence and where a request has been made by someone with a vested interest such as a family member. Uniquely on this occasion a pardon has been issued without either requirement being met, reflecting the exceptional nature of Alan Turing’s achievements”.

Towering though Alan Turing’s achievements were—and we should all continue to pay tribute to them—the wrongs done to thousands of gay men, which we recognise today as human rights abuses, are no less in need of being corrected. The hurt, pain and injustice is no different for all these people. The exceptionality of Alan Turing’s pardon cannot hold. Indeed, as a Justice Minister, holding the same responsibilities five years ago as this Minister does today, I held the Government line against granting a pardon to Alan Turing in a Westminster Hall debate, and I made the wider point. Of course, by that time the Government believed they had dealt with the practical issues through the disregard provisions of the Protection of Freedoms Act 2012. On the pardon point, I said:

“To grant him a pardon under the royal prerogative would change the basis on which such pardons are normally given.

If Alan Turing were pardoned, there would be tens of thousands of other people in respect of whom demands for like treatment could be made. Those persons could include about 16,000 living individuals with convictions for homosexuality, and many times that number of deceased victims.”—[*Official Report*, 27 June 2012; Vol. 547, c. 127WH.]

This Bill would simply fulfil the logic of the arguments I presented in 2012, and, in doing so, make the same gesture on the part of today’s society through an Act of Parliament to the thousands of men deserving of it.

Yesterday, the Government announced that they would support Lord Sharkey’s amendment to the Protection of Freedoms Act 2012 through an amendment to the Policing and Crime Bill. This would extend the pardon

“for the living in cases where offences have been successfully deleted through the disregard process.”

Although a welcome step, that approach ties the pardon to the process of disregarding convictions from criminal records that already exists and would be extended by clause 3. There need not be such a link. The Government can be more generous. They can make a distinction between the powerful symbolic effect of the general pardon to men—some alive, many dead—and the mechanism by which individuals can benefit from the practical effects of a pardon through the disregard process. This, therefore, ensures that criminal offences that remain criminal offences today are not included in any practical consequences of the pardon. I know that the Minister will present a marginally different view and different concerns, but that discussion should be had at the Committee stage of this Bill. If the Government are not satisfied with the discussion in Committee then this Bill will not make progress towards becoming an Act.

I assume that the sponsors of the Bill are pleased that the Government have at least moved some of the way in their proposal. Even if they were not to move further I would argue that this Bill is a better vehicle for the Sharkey amendment than a rather anonymous amendment within the latest Policing and Crime Bill, which roll off the statute book year after year and would not have the symbolic effects that this Act of Parliament would have. Of course that is the point. This Bill and our debate is at least as much about symbolic restitution and a righting of historic wrongs as of process. The measures adopted, whether the narrower version currently favoured by the Government or the broader approach in this Bill as it is today, would stand much better as a symbol in a stand-alone Act. I hope that a way can be found to use the Bill of the hon. Member for East Dunbartonshire as the vehicle by which we can make this clear statement of today’s values of today’s Parliament.

10.42 am

Stewart Malcolm McDonald (Glasgow South) (SNP): It is always a pleasure to star in another episode of “Carry on up the Commons”, which is what it has been like in here this morning.

It is a pleasure to follow my hon. Friend the Member for East Dunbartonshire (John Nicolson). I do not call him my honourable friend just to obey the conventions of the House. I say it because he is both honourable and a true friend. What a piece of legislation he has brought to the House. It is the first ever SNP private Member’s Bill—an historic moment no less—although he does not wish to present it as such, and I agree with that.

In his remarks, my hon. Friend referred to his time with Edwina Currie in Amsterdam. I urge all Members when they get the chance—perhaps outside the Chamber—to ask him about the stilettos disappearing up the stairs. I seem to remember him saying “from a room with very few lights.” I will leave it to him to develop that further.

When my hon. Friend was called to introduce a Bill, he was top of the ballot. I confess to feeling just a tiny bit of seething jealousy on that morning as I opened my Twitter account on my iPad to see him No. 1 on the ballot. Had it been me, this is exactly the Bill that I would have wished to introduce. We had several conversations about different ideas that he had, and this was the one that he chose to bring to the House, and he is to be enormously congratulated on that.

[*Stewart Malcolm McDonald*]

What a forensic speech from the hon. Member for Rhondda (Chris Bryant). It was an historical speech, and referred to the shields of previous hon. Members in this House, and he is to be thanked because we are better informed as a result of his remarks.

I want to share one or two stories from constituents of mine, whom I shall not name. One of them is quite well known in left-wing circles in Scottish politics. This took place at a time when there were no LGBT centres, no gay bars, and no places where the gay community could go to socialise. It often meant that they had to socialise at home—having parties in friends' houses and such. He told me about one particular party in Rutherglen. It was held in a flat that had become the place to which they would go. My hon. Friend the Member for Rutherglen and Hamilton West (Margaret Ferrier) claims from a sedentary position, that she was not there. This was in the 1960s. The neighbours at the time had cottoned on to the fact that there were these devious homosexual men and women having a party—I should break it to some people that when we homosexuals have a party, it is just like any other party only much more fun. At the party, there would have been music, laughter, gossip, dancing, singing and perhaps even a wee drink or two. When the neighbours cottoned on to the fact that the flat was full of homosexuals, they would call the police. The police would then visit the flat—no crime having been committed and no antisocial behaviour having taken place—and take the names and addresses of every person there, asking why they were there and intimidating them.

When my constituent saw the police coming up the stairs, he decided that he was not going to stay in the room. As he could not exactly leave by the front door, he decided to hang out of the window—from the second storey of a Glasgow tenement—putting himself in clear danger of not just injuring himself, but perhaps even losing his life. When his arms could take it no further, he crawled in through the window, and had to give a statement to the police.

Such is the ingenuity of good Glaswegians, they thought to themselves, “Should this ever happen again, we need to have a plan.” They decided to borrow—not to steal—the choir books from the Rutherglen parish church, so that if the police were to come back, the music could be switched off, the drinks could be put away and all they would be confronted with is the Rutherglen parish church choir singing “Kumbayah”.

John Nicolson: You haven't been to church recently, have you?

Stewart Malcolm McDonald: I should say that God is always surprised to see me when I attend prayers in this House.

Although we laugh, that is what people were going through, and much, much worse has been adumbrated to the House by other Members. Things have moved on remarkably, but even through the 1980s, friends of mine talk about going to pride parades in London where the streets would be lined with police looking as though they were expecting some kind of violent protest. In a magnificent act of defiance, a friend of mine tied a pink

balloon to the strap of his bag, so that it would bounce off the noses of the police officers as he marched down the street.

Look at us now—out and proud. There is not a Member here—certainly not on the SNP Benches—who is not desperate to be associated with the progress in gay rights. It is now very popular to be in favour of equality, but it did not used to be. What this Bill seeks to do is right the wrong. I should just say that the Government and the House are not doing us a favour by doing this: equal marriage was not a favour and equality of adoption rights was not a favour. It is about correcting our mistakes of the past.

Imagine you are a young person thinking of coming out, Mr Deputy Speaker. It is 6 o'clock and you turn on your computer or iPad and across your Twitter timeline comes the story of how today's vote goes. Imagine if the House declined the opportunity to pass this Bill; how would that make you feel? What kind of signal does it send to young people across this country and around the world if we decline to pass this Bill today?

Alan Brown (Kilmarnock and Loudoun) (SNP): Will my hon. Friend give way?

Stewart Malcolm McDonald: Certainly; one young man to another.

Alan Brown: A gay man to a straight man. Does my hon. Friend agree that the message coming from some in other parties is that living homosexuals could still be at risk of being classified as a paedophile? That is the message if we reject this Bill.

Stewart Malcolm McDonald: My hon. Friend makes a good point. I should also clarify that I am the gay man here; I would never have that clash of a yellow lanyard with a purple tie—and I have seen him in worse as well.

The 16,000 people the hon. Member for Reigate (Crispin Blunt) mentioned, and many others, are the giants on whose shoulders we stand. Today we have an opportunity to do the right thing. Symbolism is important in this; rather than have some anonymous technical amendment in that place along the corridor—which is even more camp than this place—a Bill is important. Where there are concerns, genuine or otherwise, the Committee is the place to strengthen the Bill, otherwise what is this place for—a question I find myself asking quite a lot, actually?

What I think we all want today is for young people to read about and watch this debate, and see this Bill pass. That would send a strong and positive message that it is indeed okay to be gay.

10.52 am

Nick Herbert (Arundel and South Downs) (Con): I understand that an urgent question has been tabled for 11 o'clock so I will endeavour to be brief so my remarks do not become truncated.

First, I want to congratulate the hon. Member for East Dunbartonshire (John Nicolson) on introducing this measure and on his excellent speech in support of his Bill. I welcome what he has sought to do.

There is general agreement in this House that great injustice was done to gay men in the past by laws that have since been repealed. There is a great deal of regret for that injustice and a recognition that there are people

who are still alive who have suffered as a consequence of it. Further to that, there is broad, although perhaps not unanimous, agreement that it is right that not only should that legislation have been repealed, in many cases some time ago, but that this House and the Government should go further and extend a pardon to those convicted of offences we now believe should not have been criminal offences, because of the enormous injustice done to them. It seems to me that there is no disagreement between the Government and Members on the Opposition and Government Benches who believe it is right in principle for such a pardon to be extended.

I recall being a Minister in the Ministry of Justice along with my hon. Friend the Member for Reigate (Crispin Blunt) at the time when we were discussing the initial proposal that a specific pardon should be granted to Alan Turing. We had those discussions with my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), who was then the Justice Secretary. One can hardly imagine a more humane or liberal Member of Parliament than my right hon. and learned Friend, but he had concerns about the possible implications of the further application of the principle we were embarking on. I think those were legitimate concerns, and I think there is a legitimate debate to be had about the extent to which it is possible to embark on a process of revisionism such that we find ourselves extending a general apology or pardon for all sorts of crimes that may have been committed a while ago and for legislation that was enacted before our time.

Members on both sides of the House have spoken with passion about why we should offer a signal or expression of regret. It is clearly important for the living that the state recognises the injustice that was done, but it is also important to a broader community. The hon. Members for Rhondda (Chris Bryant) and for Glasgow South (Stewart Malcolm McDonald) spoke powerfully about that. That is important because, in spite of the near completion of the legislative agenda, in this country at least, to ensure full equality for gay people, there is still discrimination in our society, and particularly in our schools, where there are young people who face prejudice and are worried that they may not be accepted in our society. Therefore, the signals this House and the Government send are immensely important.

There is also the question of the signal we send more widely to the rest of the world. I am honoured to be the elected chairman of the all-party group on global lesbian, gay, bisexual, and transgender rights, and the hon. Member for Glasgow South is also an officer of that

group. We focus on the appalling breaches of human rights increasingly being perpetrated in other countries around the world where human rights are going backwards, not forwards; gay people are living and working in fear in, for instance, countries in sub-Saharan Africa and in Russia and other countries in eastern Europe. In those countries, progress needs to be made to secure equality and a respect for human rights. We are often told—as are those who are victimised in those countries—that their laws historically owe their origin to this place, to laws fashioned and promoted by this Parliament as part of our Empire.

Dr Philippa Whitford (Central Ayrshire) (SNP): Is that not why it is so utterly important that this Bill goes through in its own right to send out that message, rather than have just a few lines of an amendment?

Nick Herbert: The hon. Lady anticipates what I am about to say. I was explaining that I believe it is important that this House sends the right signal with a general pardon because of the effect on the living, because of those to whom an injustice has been done, because of the way in which young people in particular may anticipate how they will be treated, and because of the signal we might therefore send globally about the importance of standing up for human rights.

Mr Gyimah: The amendment that will be tabled by Lord Sharkey is not just a few lines in a Bill. Lord Sharkey is one of the most prominent campaigners on this issue: he has been campaigning for a long time, and yesterday's announcement has already garnered global headlines and will continue to do so when the amendment is passed.

Nick Herbert: I had said I hoped to complete my remarks by 11 o'clock, but I can now see that that is not going to be possible, because what I want to say about the position of the Government and my hon. Friend the Minister is important, and it is important that we get a resolution to this matter. Whatever the history of the last few days, it seems to me—this was the point I was trying to make at the beginning of my speech—that there is broad agreement on the necessity of this measure, the value of it and the importance of proceeding. Indeed, there is a Conservative manifesto commitment to do so. After I resume my speech—as I hope I will be able to, Mr Deputy Speaker—I would like to explain why I therefore believe the Bill should be allowed a Second Reading.

Proceedings interrupted (Standing Order No. 11(4)).

Child Refugees: Age Checks

11 am

Philip Davies (Shipley) (Con) (*Urgent Question*): To ask the Minister for Immigration if he will make a statement on what age checks are being carried out on child refugees to ensure they are children.

The Minister for Immigration (Mr Robert Goodwill): I thank my hon. Friend for tabling this urgent question, which enables us to put the Government's position on the record.

I can reassure my hon. Friend that we work closely with the French authorities to ensure that the cases applying to come to the UK qualify under Dublin, including in terms of conducting an age assessment where necessary. All individuals are referred to the UK authorities by France terre d'asile—the FTDA, which is a non-governmental organisation—and are then interviewed by French and UK officials. Where credible and clear documentary evidence of age is not available—the pace at which these children have fled situations of war and persecution means that many do not have any definitive documentary evidence—then we will use criteria, including physical appearance and demeanour, to assess age as part of the interview process.

My officials are working in difficult circumstances in Calais to ensure that vulnerable children are safeguarded. There has been significant media coverage over the last week questioning the appearance of those admitted to the UK. I think we would all agree that teenagers' appearances vary widely, and my officials and all the agencies working in these difficult circumstances have the safety and welfare of the young people in mind.

This week has also reopened the old debate about the value of dental X-rays and medical tests to determine an individual's age. A significant number of experts have spoken out against such checks. The British Dental Association has described them as "inaccurate, inappropriate and unethical". The Royal College of Paediatrics and Child Health has said that the margin of error can sometimes be as much as five years either side with medical tests and Doctors of the World UK has called the idea "unethical and unnecessary". That is why the Home Office does not use dental X-rays to confirm the ages of those seeking asylum in the UK. The House should also note that, legally, we cannot force anyone to undergo such a check. That is why officials are trained to assess age. I want to be clear that where we believe someone is clearly over 18, they will be refused. Indeed, the information I have today suggests that around 10% of cases referred to us on this basis are being refused in France.

We have made significant progress to bring to the UK those children with family members. We are absolutely determined to get those children here, but I would call on all Members of the House, the media and the public to respect the privacy of these vulnerable young people.

Philip Davies: I am grateful to the Minister, for whom I have a great deal of respect and admiration, for that statement.

Surely it cannot be necessary to explain why it is important that child refugees are actually children. We agreed to take in child refugees, so surely it is not too

much to ask that the Government ensure that they are children. But clearly this is not the case: people only have to see the pictures of the so-called child refugees to see that many of them are not children. The Home Office has admitted that two thirds of people claiming to be child refugees are shown to be not children. Even the charities have had to accept this, trying to explain that people who are clearly older were translators, only to be told that they were not translators at all, but were claiming to be child refugees. A large number of my constituents have contacted me to say how angry they are that we are being taken for fools and taken for a ride, and that our generosity is being abused. Does the Minister not understand that unless a grip is taken on this, it will do irreparable damage to public confidence in the asylum system?

The Minister has said that carrying out dental checks would be not only unethical but unreliable. However, the Government's own website, in the UK Visas and Immigration section on "Assessing age", under "Dental age assessments or x-ray reports", says:

"In some instances, applicants will submit reports from dental consultants based on a detailed assessment of dental development. The margin of error in determining age through this process is approximately plus or minus 2 years",

and prays in aid the Royal College of Paediatrics and Child Health. It continues:

"This means there will be cases where such reports should be given considerable weight—for example because the applicant's claimed age is within the possible range."

The Home Office is already saying on its website that dental checks should be given considerable weight. How on earth can they be unreliable and unethical in this case, when they are being touted on the Government's website as sensible? What checks are being made by the Government?

Finally, if somebody claims to be 14, do we just accept it and send them to a local school, with all the obvious safeguarding issues that would be involved if they were adults? The Government owe the British public and genuine child refugees a promise to get a grip on this situation.

Mr Goodwill: My hon. Friend needs to be aware that both the Dublin regulation and section 67 of the Immigration Act 2016—the so-called Dubs amendment—define children as those under the age of 18. Indeed, a large number of those in the camps are both male and 16 or 17-year-olds, and we have never tried to mislead anyone about that particular fact.

The criterion being used at this stage for the Dublin children is family connections in the UK. Those children are our priority and they are the ones we have seen being brought across this week. Further children will be brought across, and some of that initial assessment will enable further work to be done, including fingerprinting. If there are cases where, for example, the person concerned has been brought to the attention of a European immigration authority or has applied for a visa somewhere in the world to come to the UK, we will be able to have further information, so that work is being done.

The age issue can arise because of Home Office concerns about the claimed age or because the individual does not accept the initial assessment process. Where there is doubt, the individual will be referred to a local authority children's services department for a careful,

case-law compliant age assessment and will be treated as a child while the outcome is awaited. Local authorities have a statutory duty to ensure that they safeguard and promote the welfare of children under section 11 of the Children Act 2004, regardless of their immigration status or nationality. This safeguards the individual who is required to undergo an age assessment and safeguards children already in the care population from the presence of an adult being placed in the same living accommodation.

Lyn Brown (West Ham) (Lab): I want to start by welcoming all refugees who have entered Britain in the last few days to their new home. I hope that our country will provide them with a safe space that enables them to put behind them the traumas and difficulties they have faced. Welcome to Britain.

The Government committed to taking unaccompanied child refugees in May. The Home Office have therefore had five months to assess the age of the young people—five months in which refugees have had to live their lives in limbo and in conditions that none of us would like to live in, and certainly not to have our children live in. I am sure the Minister can assure the House that this delay is a result of the Home Office carefully assessing the age of the young people we are granting sanctuary to.

Europol has warned that at least 10,000 unaccompanied child refugees have gone missing since entering Europe after fleeing the most terrible political situation in Syria and elsewhere in north Africa and the middle east. Citizens UK thinks there are at least 54 unaccompanied girls, mainly Eritreans, in the Calais camp, and they are eligible to enter under the Dubs amendment. These are children who have had their homes, their parents and their entire lives taken away from them and they are in real danger. Does the Minister agree that our resolve to give sanctuary and protection to unaccompanied child refugees must remain undiminished? We cannot succumb to compassion fatigue.

I know that some Conservative Members have called for dental checks to determine the age of children coming over, but the *Journal of Forensic Sciences* found that when it comes to determining if someone is aged between 17 and 19 years old, dental checks are wrong up to 50% of the time. The British Dental Association, whose members would presumably have to carry out the mooted checks, has said that they would be “inappropriate and unethical”. Does the Minister agree that calling for dental checks is an unworkable red herring?

I am pleased that the Government are committed to helping unaccompanied child refugees, and 20,000 Syrian refugees by 2020. However, given the scale of the refugee crisis, we can and should do more. There will be challenges along the way and things will not go perfectly, but helping people in dire need—and they are—is the right thing to do. When we meet bumps in the road people in this place, and in other positions of power, we should keep a calm head and continue to offer a welcoming embrace to those who are fleeing the most desperate circumstances.

Mr Goodwill: The points made by the hon. Lady encapsulate the vast majority of the United Kingdom’s view of the compassion that we should show and our

legal responsibility to step up to the mark to ensure that vulnerable children in those camps are looked after as well as possible. It is in the joint interests of both the United Kingdom and the French Republic that the camp is removed, and, more importantly, that is in the interests of the people in that camp. I must make it clear that nobody needs to be in that camp. The French have facilities for people who ask to leave the camp and large numbers have already left it.

I have already covered the point on dental checks. One additional point, which I think some of the media have failed to grasp, is that there are two distinct categories of children. First, there are the Dublin III children, who qualify because they have family here in the United Kingdom, and those are the children whom we prioritise to move before the camps are cleared. Secondly, there are the children who qualify under the Dubs amendment. The criterion in that case is where their needs will best be served. I can assure the House that we will prioritise the most vulnerable in that group—the under-13s and those who are vulnerable for other reasons—to ensure that that can happen. They cannot be processed as quickly. We need to remove them to a place of safety as the clearance starts and then ensure that we can fully live up to the commitments that this Government made when they accepted the Dubs amendment.

Seema Kennedy (South Ribble) (Con): My constituents are very worried about migrant children. Can my hon. Friend confirm that the Home Office is working closely with NGOs and the local authorities in France to identify and resettle children who are in Calais?

Mr Goodwill: The role of NGOs is vital because many of those in the camps may not view people in uniform or in authority in the same way as we do. Charities such as the British Red Cross, which has been helping to bring children across, and Barnardo’s, which is stepping up to the mark by providing some short-term accommodation before the children are moved on, are playing a vital role. We appreciate the efforts that NGOs are making, working in conjunction with the UK and French authorities to ensure that we discharge our obligations.

Joanna Cherry (Edinburgh South West) (SNP): The Home Office is to be commended for finally moving to process children from the Calais camps covered by our legal obligations under both the Dublin convention and the Dubs amendment, which the Minister has mentioned. I am very grateful to the Home Secretary for giving me a full update on what is happening earlier this week, and I am very proud that many of the children coming from Calais will be welcomed in Scotland. I can assure the House that they will be most welcome there.

An update in due course on the numbers being processed would be appreciated. Can the Minister confirm that that will be made available? I have been to the camps at Calais and I have witnessed how vulnerable children are living in inhumane conditions. To impose invasive treatment now, when we are finally helping them, would be a dereliction of the UK Government’s moral duty towards them. I am happy to hear from the Minister that the Government are listening to the expert advice and not giving in to the sort of unpleasant pressure that he is receiving from some on his Back Benches.

[Joanna Cherry]

The children at Calais have come from some of the most difficult and unsafe parts of the world. In some respects the instability from which they have fled has been caused by failed British foreign policy. Some of them have indeed grown older in the camp while waiting to be processed, and that should not be held against them. As the Minister said, the definition of a child is “a person under the age of 18”, and anyone who is familiar with children will know that a young man in his teens under the age of 18 separated from his parents is a vulnerable person.

I very much regret that this question, some of the stuff that we have seen in the tabloids and some of the behaviour of some members of the audience on “Question Time” last night are symptomatic of the xenophobia that has arisen in this country since the referendum. Today we are all united in our condemnation of homophobia. What are the Government doing to quell the rising tide of xenophobia in this country? What will the Minister do to challenge false information in the press and to calm any doubts about how the children will be treated when they arrive here?

Mr Goodwill: As I said, we would expect the age profile of children arriving in the UK under Dublin III—those with family in the UK—to reflect the overall age profile in the camp, which is mainly older children. Under Dubs, we are encouraging the most vulnerable to come forward, and those will be the younger children.

Let me provide an update on the progress that we have made under the Dublin regulation. Since the beginning of the year, over 140 unaccompanied asylum-seeking children have come from Europe and have been accepted for transfer to the UK under the family reunion provisions, of whom 80 are from France. That compares with 20 in the whole of last year.

I join the hon. and learned Lady in condemning any xenophobia. That is not in the English or the Scottish psyche or that of any other part of this country. The small minority who may hold such attitudes and whose attitudes are sometimes translated into actions are to be condemned right across the House.

Nigel Huddleston (Mid Worcestershire) (Con): What specific actions are being taken by the UK and French security forces to stop criminal gangs from exploiting vulnerable people, particularly children, in Calais?

Mr Goodwill: It is a matter of great concern that criminal gangs, particularly people traffickers, are in the camps. The best way to curtail the actions of those criminal gangs is to dismantle the camp and disperse the people around the country, where they are less able to be targeted. I am pleased that the Home Office, working with our French counterparts, has succeeded in making a number of arrests where people trafficking is going on, and we will continue to keep up the pressure.

Kevin Brennan (Cardiff West) (Lab): My constituent, Norman Vetter, sent me an extract this morning from the *British Medical Journal*, which states:

“Medical estimation of age is still inaccurate and the results are unreliable.”

It goes on to say:

“Age estimations have standard deviations of more than 12 months and are limited by intraindividual discrepancies, racial differences, and poor inter-rater reliability”,

and concludes:

“Ethically, it is hard to justify treating someone as an adult based on such unreliable data.”

Does the Minister agree?

Mr Goodwill: The hon. Gentleman is right. All the august medical and dental bodies that I quoted made it clear that medical or dental evidence cannot be used as a way of determining age. My own wisdom teeth did not come down until quite late in life. In many cases, those young people have not enjoyed the same nutrition as we have, so their stage of growth may vary. I underline the fact that all the evidence indicates that we cannot use medical or dental data. If the determination of age is necessary, there is the Merton process, which requires referral by two social workers and takes about 28 days. That method is used by social services throughout the country where an accurate determination of age is needed. That could not be done within the available time, even if we could do it on French territory.

Kevin Foster (Torbay) (Con): I welcome the Minister’s comments so far. What will be in the public’s mind, though, is what they are seeing in the media, as opposed to what we are hearing today. What work will the Home Office do to reassure the public about those whom we are helping?

Mr Goodwill: We have all seen the pictures from the camps and the terrible conditions that both young people and adults have to endure there. I know that the wish of the vast majority of the British people is to ensure that, if we have a legal responsibility under either the Dublin III regulation or the Dubs amendment, we should step up to the mark and ensure that those children are brought to a place of safety here in the UK. Working with our French colleagues, that is what we intend to do.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): I, too, welcome the Minister’s comments in response to a question that shows not only a lack of compassion, but a fundamental lack of understanding of the fact that these young people have had to grow up beyond their years because they are children who have been robbed of their childhood and have to fend for themselves. Does the Minister agree, and will he do everything possible with his Department to ensure that these children and young people do not grow old waiting to be processed?

Mr Goodwill: Previously, the Dublin process did take some weeks, but given the timescale of the projected clearance, it is important that we have accelerated that process to make sure that those children can be processed. I am pleased that we are doing that. I pay tribute to our Home Office staff, who have been over there in difficult conditions to deliver on that promise.

Craig Williams (Cardiff North) (Con): Will the Minister please explain the process through which the Government work with the Italian, French and Greek Governments, as well as with non-governmental organisations, to identify child refugees and speed up the process of bringing in child refugees when that is in their best interests?

Mr Goodwill: The Dublin process is relatively simple: it requires the child concerned to apply for asylum in the country they are in and then to apply for transfer under the Dublin process. These are not just children with families in the UK; it applies to all European Union countries and a number of transfers have taken place.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): The media circus over the past few days has been not only distasteful, but downright dangerous. The media exposure will serve to fan further the flames of intolerance, which is massively irresponsible at a time of rising hate crime in England. What exactly is the Home Office doing to protect the identities of vulnerable refugees—in particular, child refugees?

Mr Goodwill: There were certainly some pictures in the press of children with blankets over their heads, and that was specifically to protect their identities; as children, their identities need to be protected. I have confidence in the compassion of the British people and their wish to support us in what we are doing. A small minority in the media, or noises off, should not be listened to.

Graham Evans (Weaver Vale) (Con): I pay tribute to my hon. Friend, his Department and all the work he is doing to help these most vulnerable children. Will he update the House on what assistance the Government have offered the French Government to clear the camp at Calais?

Mr Goodwill: We are working very closely with the French Government, and where resources are needed we are ensuring that we can help wherever we can. My right hon. Friend the Home Secretary has met her opposite number on a number of occasions. We are working very closely with the French. It is in our common interests to ensure that the camp is cleared—not just because of the people there, but because of the pull factor that it has for people who may be thinking about making the dangerous journey across the Mediterranean.

Angela Crawley (Lanark and Hamilton East) (SNP): I welcome the measured approach that the Minister has taken in his response and seriously question the integrity of the hon. Member on the Back Benches who had the audacity to question the statistically—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. The hon. Lady should not question the hon. Gentleman's integrity. We all have integrity in this House, and we are not going to change that. Minister, do you want to pick something out of that?

Mr Goodwill *indicated dissent.*

Mr Deputy Speaker: If not, we will move on.

Mr David Nuttall (Bury North) (Con): I am grateful to my hon. Friend for the information he has given the House this morning. When the child refugees are being

admitted because they have family ties in the UK, are checks made with their families here if there are any doubts about their ages? Are the Government keeping a record of the ages of all the children being admitted, and will that be published?

Mr Goodwill: We are certainly keeping records of the children. After the children arrive at Lunar House in Croydon for initial processing—"processing" is a terrible word, but the House knows what I mean: the initial welcome they get there—they will then be moved on to temporary holding facilities around the country before they are reunited with their families. All the necessary social services checks will be carried out on those families to ensure the safety of the children.

Nigel Adams (Selby and Ainsty) (Con): Can the Minister provide a bit more detail on exactly what the Government are doing to help protect vulnerable people and migrant children across Europe and the Balkans?

Mr Goodwill: As the previous Prime Minister announced at this Dispatch Box, it is important that we should not be distracted by the events in Calais and elsewhere around Europe from the real need, which is in the refugee camps in the war zones and the countries around them. I am pleased that we are the second biggest donor, and we are working closely to ensure that people there get help. There is also, of course, the programme for bringing 20,000 people across from those areas. They are the most vulnerable. Those who can make the journey right across Europe are not necessarily the most vulnerable, and I believe that ours is the right policy.

Jeremy Quin (Horsham) (Con): Will my hon. Friend reassure the House that safeguarding checks are fully in place for the vulnerable children who arrive on our shores and that they will be protected and kept safe?

Mr Goodwill: Absolutely. Home Office officials, working with local government social services officials, will be making sure that we discharge all our responsibilities to protect the children.

Craig Whittaker (Calder Valley) (Con): Many constituents in the Calder Valley have contacted me wanting to know why, given that we have said that we are going to take children from the jungle in Calais, we are actually taking young men and not young girls. Can the Minister confirm that the only unaccompanied children—that is, those under 18—in the Calais jungle are in fact young men?

Mr Goodwill: Some 90% of those in the camps who are children are young men. It is important that, as we move to the next phase, we target the most vulnerable—the younger children and those at most risk.

Sexual Offences (Pardons Etc) Bill

Proceedings resumed.

11.25 am

Nick Herbert: As I was saying, it seems to me that there is no difference between the Government and the hon. Member for East Dunbartonshire with respect to the intention of the Bill: those who are living to whom an injustice has been done should be pardoned, but the intention is not to pardon those who committed offences that would still be criminal offences today. The only disagreement is about the actual effect of the Bill.

The hon. Gentleman has suggested a specific mechanism for ensuring that people do not make improper use of a pardon: the onus of proof would be on them to show that they had not committed what would now still be an offence. In those circumstances, it seems entirely right and proper, especially given that the Government encouraged the hon. Gentleman in the first place to introduce his Bill after his success in the private Members' Bill ballot, that the Bill is given a Second Reading today and proceeds to Committee, where these differences in legal effect could be properly ironed out.

I accept that, in bringing forward their proposals a very short time ago, the Government intend to do broadly the same thing in fulfilment of their manifesto commitment as the Bill seeks to do. However, I also understand why the hon. Gentleman feels that his Bill should receive a Second Reading and that there should be further discussion about the effects that his Bill proposes.

The Government originally encouraged the Bill but a couple of days before its debate on Second Reading have introduced their own alternative measures: I do not think that is generally a good way to proceed. If there has been some misunderstanding or breakdown in communication, I urge both sides to restore communication. The best and most proper thing would be for the discussions to take place in Committee, so that legitimate debate about the arcane provisions can be had.

John Nicolson: I confirm that if the Government honour their original promise to me and support my Bill, I will be very happy to engage with any concerns they have in Committee.

Nick Herbert: I am sure that the Government will have heard that.

It would be a pity if hon. Members who do not share the majority view here today—that the Bill's general provisions should proceed and that in general it is right that people should be pardoned—and who do not accept the Conservative party's manifesto commitment to that effect were given an excuse to attempt not to allow the Bill to proceed, because of the disagreement over the Bill's legal effect. There is, I repeat, no disagreement about the intention of the hon. Gentleman's Bill; it is the same as the Government's intention. There is, therefore, broad agreement that this is the right thing to do.

People will be listening to this debate. The signal that the House of Commons sends on these matters is immensely important. As I said before the urgent question, it is important in terms of the justice that should be done to those who are still living, when a great injustice was done before. It is important to many young people who are struggling and coming to terms with their sexuality and who want to ensure acceptance today. It is

important that the message this country sends out to the rest of the world is that the legislation we passed and promoted in an age gone by was not only wrong then but is still capable of doing great injustice today. We should atone for that in a very clear manner, and we should not allow the message that we wish to send to all those groups of people to be distorted. The House of Commons should stand for justice and equality, and we should stand for the principle that, where an injustice was done in the past, we should recognise that clearly and unequivocally. That is why this Bill should be given a Second Reading.

11.30 am

Chris Law (Dundee West) (SNP): I congratulate my hon. Friend the Member for East Dunbartonshire (John Nicolson) on bringing this important and essential Bill to Parliament. There has been huge progress in allowing lesbian, gay, bisexual, transgender and intersex equality in recent years, with significant changes in laws and attitudes that have seen Scotland become the best country in Europe for LGBTI legal rights, with the rest of the UK close behind.

Despite those welcome steps forward, we must never forget the appalling way LGBTI people have been treated in the UK throughout history. The criminalisation of thousands of gay and bisexual men, who were cautioned, convicted, imprisoned and even castrated under homophobic laws that banned sex between consenting adult men is a complete wrong in our history. We must now take ownership and apologise for that.

The namesake of this Bill, Alan Turing, was a mathematician, code breaker and computing pioneer, whose work cracking the Enigma code is said to have shortened world war two by two to four years. He lost his job with the secret service after being convicted of gross indecency, and he was chemically castrated by means of a series of injections of female hormones. As a result, he took his own life just two years later, in 1954.

In 2013, Alan Turing was granted a posthumous royal pardon—61 years after he had been charged at a Manchester police station. Now, that is all good, but it is perverse and illogical that Turing is the only person so far to have been pardoned. I am sure no one in the House doubts that there needs to be wider action. The Government have a duty to pardon everybody who was convicted under the gross indecency law in these historical homophobic rulings.

It is thought that at least 49,000 other gay and bisexual men were convicted under similar outdated laws, until homosexuality was deemed not to be illegal in 1967. Each was just as unfairly persecuted, and many suffered similarly awful fates to Alan Turing. It is estimated that 16,000 of these men are still alive today. Many find themselves outed, interrogated and ostracised from society over their sexuality, and they have suffered long-lasting psychological damage.

From what I understand, there is currently a disregard process. Men can apply through the Home Office to have their record cleared, which removes any mention of an offence from criminal record checks. That is simply not good enough. Although those men would still have to apply to have their record expunged, the Bill would give a blanket pardon to all men who have lived their life with an unfair, unjust criminal conviction.

Stonewall, the leading LGBTI charity, has given its full support to the measures laid out in the Bill, on the basis that it makes a stronger statement on the seriousness of the Government's commitment in this area of social life. If we are to take action, and to provide leadership, it is best that we do that wholeheartedly, with the full backing of the law. I would go further and call on the Prime Minister to make a full public apology to LGBTI individuals in the United Kingdom for the injustice they have suffered.

Nothing we do now can fully make amends for the cruel discrimination these men have suffered. However, I hope this Bill goes some way towards giving a sense of closure to these men and their families.

11.34 am

Kevin Foster (Torbay) (Con): It is a pleasure to follow the hon. Member for Dundee West (Chris Law). I hope you will not mind, Mr Deputy Speaker, if I mark the 50th anniversary of the Aberfan disaster in a couple of sentences and pay tribute to those residents in Torquay—particularly in Chelston, in my constituency—who offered their homes up in hospitality, to give people not only somewhere to go but respite away from the scene where so many people had lost the lives. A plaque commemorates that to this day at Torre abbey.

I congratulate the hon. Member for East Dunbartonshire (John Nicolson) on bringing the Bill to the House. Whatever the outcome of today's debate, we saw the major change announced by the Government yesterday, which will finally see people viewed as innocent, and show that they were not committing a criminal offence as we would know it today.

In his introduction, the hon. Gentleman talked about how, when he was born, these things were a criminal offence. However, even when I was born, it was still a criminal offence in Scotland and Northern Ireland to be who you are. It took until 1982, quite shamefully—15 years after decriminalisation in England—for similar provisions finally to come into effect in Northern Ireland. Some territories that fly our flag—maybe not the SNP's flag—still had laws of this nature as recently as the 1990s. It almost beggars belief that people still thought these things.

We could look back through history at a whole range of offences that, nowadays, we would say are not offences. For example, we do not believe that there is anyone in our constituencies today who is practising as a witch and trying to make someone ill. *[Interruption.]* Well, perhaps we might be getting a few spells cast here today. Let us be clear: such convictions were patent nonsense—people were sent to the gallows for something that was absolute nonsense and that was based on fear and hysteria. The difference with these offences is that people are gay or lesbian—that is who they are—but, in the past, that would have been a criminal offence. The laws we are referring to, under which people were still being convicted not that long ago—some of those people are still alive—were passed only 20 or so years after the death penalty had been removed in this country. That is why, for me, having such a pardon makes eminent sense.

I have felt a bit in today's debate that we are dancing on the head of a pin, to be blunt. We have the argument that a pardon should be given, but that it will be replicated only on criminal records checks, which are

the key part of this, on application, versus the argument that a pardon should be granted after removal from criminal record checks. I think we would all agree that criminal record checks have to be absolutely accurate—I say that having listened to the hon. Member for East Dunbartonshire. I have therefore found some of the argument on both sides rather interesting in terms of the actual nub of this issue.

Likewise, having heard both arguments, and having got a copy of the Bill, I think there is no suggestion from anyone that what is still a criminal offence today should not remain on someone's record; the debate is how we get where we want. I very much welcome the fact that the Government's amendment to the Bill that is already in the Lords and that is due to come back here in the not-too-distant future will probably be the quickest way of getting there.

We need to be clear that nobody is suggesting that someone should be able to go around claiming that they would have been innocent of an offence that would still be an offence to this day. That is particularly the case where we have more modern legislation in relation to those in positions of authority over those aged 16 or 17. Quite bizarrely, given all the hysteria around the impact on younger boys, there was not actually any legislation back in the 1950s that made it an offence for a teacher to be a predator towards a 16 or 17-year-old student of the opposite sex. To be fair to the then Labour Government, it made eminent sense that, when changing the age of consent, that anomaly was righted. It was equally as bad for a 30 or 40-year-old teacher to prey on a member of the opposite sex as on someone of their own sex. The issue was their using their position to abuse someone, not the type of relationship involved. It is also about looking back into the past. Some people would ask, "Why apply it to offences beyond 1967?", but we all realise that there were offences before 1967.

My hon. Friend the Member for Calder Valley (Craig Whittaker), who sadly is not in his place, talked about the police's reactions and behaviour. Peter Tatchell's book, interestingly, says that in some cases there were more prosecutions after 1967 than there had been before, because some forces recognised that the pre-1967 legislation was from another era, and the enforcement of it was mixed and variable. In the mid-1940s, during world war two, there was almost a policy of discreetly ignoring things on the basis that it was seen as helpful, most famously in the case of Alan Turing, to use people's skills in the fight for freedom. Then in the 1950s, there were moves to take that freedom away by prosecuting them for historical offences. It makes sense to look not just at those who were convicted on the law pre-1967 but those who were convicted up until very recently on the basis of different laws. It should also be remembered that there is still on the statute book a bar on gay men serving in the merchant navy. I believe there is a private Member's Bill that we will discuss on a future Friday to remove that, but it is sad to note that there are still parts of our legislation that contain these types of historical provisions.

Where we have got to today reflects the changing attitudes of society. I openly admit that I had a major change of attitude when I went to university. At secondary school, like a lot of people, I fell for some of the prejudiced arguments and it was all about what the group thought. When I got to university, for the first

[Kevin Foster]

time I was with people who were out, saying who they were and being proud of it. The president of Warwick University's Pride society had a chat with me at the time when the debate was going on about section 28. He said, "I should be a Conservative." I said, "Really?" He said, "Yeah, I believe in freedom of choice. You believe in freedom of choice, Kevin. Your party does, up until when I make the choice about who I want to love, and you argue against. I can choose whether I want a pension, I can choose what house I buy, what kind of life I have, and whether I have children, yet I can't choose who I love." That, for me, was quite a transformative moment. It was such a logical argument—I had that choice, so why should they not have it? Some people know that my partner is a little older than I am. I have the right to choose that—there has never been an offence in law against it—so why should it be an offence for anyone else to choose whom they love, provided that they are both of the age where they can make an informed and mutual choice and give consent?

Sometimes we hear the religious argument—I am a practising Christian; I sometimes help to administer the elements at my church—that was regularly used to justify the laws of the past. Yet there is a law in the ten commandments about adultery, which is described as a sin, but has never been a criminal offence.

John Nicolson: There is also in Deuteronomy a ruling against mixed fabrics, but to the best of my knowledge we do not publicly stone people for mixing rayon and wool.

Kevin Foster: There is another part about the appropriate price for slaves that is found in another part of it. The hon. Gentleman may not be aware of the homophobes and prejudiced individuals in some parts of the United States who commonly like to have tattooed on their bodies a particular part of Leviticus about how certain things are an abomination, forgetting the bit in Leviticus that describes tattooing the skin as a sin. It is a delicious irony that they are so blinded by their prejudice that they have not even bothered to read the rest of that book of the Bible. They do not know the sheer irony of what they are doing and how they are showing their total and utter ignorance when they have a tattoo like that on their body. It has been hundreds of years since we had the idea that religious belief should be enforced by political power. Therefore the argument used in the past seems completely incoherent.

The Wolfenden committee concluded that offences in relation to homosexuality were victimless crimes. No one had complained, both sides were happy to take part, and nobody's rights had been infringed—it was just that other people were so prejudiced about someone making that choice that they thought it should be a criminal offence, with truly ridiculous penalties given that nobody had gone to the police to say, "I've been harmed." All too often, this became a way of blackmailing people—of threatening to go and do someone in. Shamefully, even until the 1990s the military police were still dealing in that sort of behaviour. I remember when I was growing up, as a teenager, there was an episode of "A Touch of Frost" based on the idea that someone could be blackmailed for their whole career on the basis of whether they are gay. That was absolutely shameful.

The hon. Member for East Dunbartonshire rightly mentioned what was said at that time, including by some members of my party who were in government. John Major did the right thing in terms of the foreign service, but we did the wrong thing in not admitting people to the armed forces. The arguments that were advanced were patently stuff and nonsense. It is pleasing that in the United States President Obama is finally abandoning "Don't ask, don't tell", because it was a load of nonsense—the idea that people sharing a shower is fine as long as they do not tell anyone. That was a symbolic change and a move forward.

I am in a slight quandary. It is welcome that we have a Government who are prepared to move on this, but I understand the hon. Gentleman's arguments. I certainly will not oppose the Bill because that would be ridiculous. The Bill and the Government's amendment both deal with the practical effects, which is the key concern. That said, amendment is almost certainly the quickest way to get this on to the statute book and finally give people a chance to—I will not say to clear their name, because they are not criminals; they are innocent. All they have done is to be who they are. I find the idea of clearing their name quite strange.

Chris Bryant: I broadly sympathise with the direction in which the hon. Gentleman is going, but I draw his attention to the fact that the Government's measure does not do the same thing. The only way to achieve the same thing is to send the Bill into Committee.

Kevin Foster: Ultimately, though, we are debating the criminal records. The Bill refers to a blanket pardon, but it only takes effect in terms of someone getting their name off the criminal records, via an application, and the Government's idea is that their name is got off the criminal records and then they get a formal pardon. That is the fundamental difference. I accept that this could be addressed in Committee. However, after a couple of hours' debate we all agree with the sentiment and the principle; we are dancing around on a pin.

Mr Gyimah: The key difference is that the Government want some safeguards around the pardon for the living. The hon. Member for Rhondda (Chris Bryant) spoke about some people with great moral fibre, but the Government want to protect against the situation where, if there is a blanket pardon, someone who had not been pardoned could go around saying that they had. What does one say to the victims of that person if it was non-consensual sex in that case?

Kevin Foster: With respect to the Minister, anyone could go around making a claim that they had been pardoned for an offence; it is the position in the criminal records that makes the key difference.

Lyn Brown (West Ham) (Lab) *rose—*

Kevin Foster: I will take one more intervention but I am very conscious of time.

Mr Deputy Speaker (Mr Lindsay Hoyle): I have 12 more speakers and the Front Benchers to get in as well.

Lyn Brown: This is a seminal debate. Will the hon. Gentleman join me in urging the Minister to think again? Let us get the Bill to Committee, sort out the problems that the Minister thinks he has and get it on the statute book.

Kevin Foster: I hear what the shadow Minister is saying. To be fair to the Minister, he has gone further than anyone has in the last 50 years towards pardoning people, so I am loth to criticise him. As I have said, I will not oppose the Bill, because that would be the wrong step. I will, however, probably find myself abstaining, because I think that the Government are offering something that will make a difference. I say to the Minister that anyone can claim to have been pardoned, but the criminal record checks are the final determinant. I do not think that anyone on either side of the argument is contending that those decisions should be changed unless someone proves that they did not commit a criminal offence.

Ultimately, we are talking about people who never committed an offence; all that they did was to be who they were. It is unfortunate that we have ended up arguing so strongly over minor points.

Several hon. Members *rose*—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. May I just say that we are in danger of talking the Bill out? I want to hear everybody, and Members are still waiting to speak. Can we try to help each other? With 12 speakers, if we try to keep it short, we can get there.

11.50 am

Christina Rees (Neath) (Lab/Co-op): I would like to pay my respects to the people of Aberfan. We will not forget you.

I thank the hon. Member for East Dunbartonshire (John Nicolson) for introducing the Bill, and I thank the many Members, across parties, who support it. We have heard fantastic speeches today, especially from my hon. Friend the Member for Rhondda (Chris Bryant), who is very honourable.

The Government's announcement that they intend to amend the Policing and Crime Bill is, of course, welcome but it does not go far enough. The Bill we are debating concerns posthumous pardons and pardons for men who are still alive. It would pardon anyone who had been convicted of, or cautioned for, a specified offence and who had died before the legislation came into force, provided that the following two conditions are met: that the other person involved in the conduct constituting the offence consented to it and was aged 16 or over; and that such conduct would not be an offence under section 71 of the Sexual Offences Act 2003, which concerns sexual activity in a public lavatory.

The Bill also relates to pardons for men who are still living. It would pardon anyone who had been convicted of, or cautioned for, an offence listed in section 92(1) of the Protection of Freedoms Act 2012 and who was living at the time the clause came into force. Pardons for living men would not be automatic but would be tied to the disregard process set out in the 2012 Act. Anyone whose conviction or caution had already become disregarded under the 2012 Act at the time the clause came into force would be pardoned for that offence. Anyone whose conviction or caution becomes disregarded under the 2012 Act after the clause came into force would be pardoned for that offence at the time the disregard took effect. Living men would not receive a

pardon unless they had also successfully applied to have their conviction or caution disregarded under the 2012 Act.

The press has been quick to term the proposal "Turing's law". For Alan Turing, a war hero without whom we might not have cracked the Enigma code and defeated fascism, his pardon came posthumously and too late. Labour Prime Minister Gordon Brown rightly issued an official apology in 2009 after a public petition. In issuing the apology, Gordon Brown said of Mr Turing:

"In 1952, he was convicted of gross indecency—in effect, tried for being gay. His sentence—and he was faced with the miserable choice of this or prison—was chemical castration by a series of injections of female hormones. He took his own life just two years later.

Thousands of people have come together to demand justice for Alan Turing and recognition of the appalling way he was treated. While Turing was dealt with under the law of the time, and we can't put the clock back, his treatment was of course utterly unfair, and I am pleased to have the chance to say how deeply sorry I am and we all are for what happened to him. Alan and so many thousands of other gay men who were convicted, as he was convicted, under homophobic laws, were treated terribly. Over the years, millions more lived in fear of conviction. I am proud that those days are gone and that in the past 12 years this Government has done so much to make life fairer and more equal for our LGBT community. This recognition of Alan's status as one of Britain's most famous victims of homophobia is another step towards equality, and long overdue."

Opposition Members, and Labour supporters the length and breadth of the UK, are proud that it was a Labour Government and a Labour Prime Minister that started the process that has led us to this debate. The coalition Government initially refused to exercise a pardon in 2012, and it was right that, under the weight of public opinion, they changed their mind in 2013, so that the Queen could grant a pardon in 2014. As many have said today, there are so many more men who have not received a pardon, and they should receive one. It is right that we recognise the need to extend the pardon afforded to Alan Turing to others who were convicted of what was, much to history's shame, a criminal offence, although most people today quite rightly find that hard to believe.

That is why Labour committed to Turing's law in the 2015 general election. The law as it stands does not go far enough, as Rachel Barnes, a great niece of Alan Turing, recognised in 2015 when she handed in a petition to Downing Street. She said:

"I consider it to be fair and just that everybody who was convicted under the Gross Indecency Law is given a pardon. It is illogical that my great uncle has been the only one to be pardoned when so many were convicted of the same crime. I feel sure that Alan Turing would have also wanted justice for everybody."

It is right that the Government have listened to those who have campaigned on the issue for many years. The private Member's Bill before the House today would, of course, go further. Pardons would be given to all convicted of specified offences, save for those convicted of behaviour that would still amount to an offence today. It is difficult to see the Government's objection to that in principle. The problems of perception that the Minister highlights could easily be avoided through appropriate publicity. It is often suggested that the disregard scheme should have more promotion. The Government should give serious thought to that, whatever the outcome of proceedings in the House today.

[Christina Rees]

The proposed amendment to section 92 of the 2012 Act also looks like a logical progression. Section 32 of the Sexual Offences Act 1956—soliciting by men for immoral purposes—was not included in the list of convictions that should be disregarded in the 2012 Act. There are many examples that show that the offence in section 32 was used as recently as the 1990s to arrest and prosecute gay and bisexual men for suggesting sex between what they understood to be consenting adults, often in incidents involving plain-clothes police officers. At present men convicted under section 32 cannot have their conviction disregarded, even though it was repealed by the Sexual Offences Act 2003. The Bill will add those convictions to the list of those that can be disregarded, closing that loophole.

Labour recognises that the conviction and persecution of more than 50,000 men affected by these vicious and discriminatory laws has left a legacy of pain and hurt, not just to the men themselves but to their families and friends. This Bill is about our country sending those men a clear and unequivocal message that they did nothing wrong, and they should not have been criminalised. It is time to right a grievous historical wrong. That is why I and Labour Members will support the Bill. We encourage all other hon. Members to do the same.

11.59 am

Iain Stewart (Milton Keynes South) (Con): It is a pleasure to be called to speak in this important debate. I begin by adding my congratulations to the hon. Member for East Dunbartonshire (John Nicolson), first on securing the top spot in the private Members' Bill ballot and then on deciding to use it to introduce this important Bill. I was pleased and honoured to be asked to be a sponsor of the Bill. My support for it remains undiluted, and, should we divide on it, I will be supporting the hon. Gentleman in the Lobby.

I identified with much of what the hon. Gentleman said in his opening speech about the experience of growing up as a closeted gay man in the west of Scotland. I went through a similar experience and upbringing, and it was not easy. It took me a long time to come to terms with who I was. Indeed, the hon. Gentleman and I went to the same school, although—and it might be ungentlemanly of me to say this—not at the same time; I followed a few years later, but I can very much identify with his experiences. [Interruption.] The hon. Member for Glasgow South (Stewart Malcolm McDonald) says from a sedentary position that he is proud to have that school in his constituency, and a very fine school it is. But it was not easy growing up in that atmosphere being gay, and having to hide that out of a sense of shame. I will come back to that point in a little while.

My other reason for being very passionate about this measure is a constituency one. I am very proud that in my constituency of Milton Keynes South is Bletchley Park, where Alan Turing did much of his celebrated work during the second world war; as many Members have mentioned, he did much to shorten that conflict and save thousands, if not millions, of lives. I am very proud that we got to the point where he was granted a pardon during the last Parliament. That was the culmination of a long campaign over many years by many people inside and outside the House.

I remember that during the debate about whether Alan Turing should be granted a pardon as opposed to an apology a number of objections were raised. On the one and only time I have been grilled on “Newsnight” by Jeremy Paxman, two particular arguments were made. The first was that it was wrong retrospectively to pardon for something that was a crime at the time but now, in more enlightened times, is thankfully no longer so, because if we were to start pardoning for that offence, where would we stop? What about witchcraft—would we grant a pardon and apology for that? Well, if people want to bring forward a Bill to pardon people for witchcraft, bring it forward. But this particular issue really matters to lots of people. It is a sign of a civilised society that we can collectively pardon. There is a precedent in the blanket pardon issued to soldiers executed in world war one for so-called cowardice. I was very happy at the time to support the pardon for Alan Turing on the basis that we can retrospectively pardon.

The second argument was, why just Alan Turing? Yes, he is a famous and celebrated person to whom we owe an enormous debt of gratitude, but, many Members have alluded to the fact that he was just one individual out of thousands who were caught under the same legislation. It was more difficult to argue against that. I was happy to champion a pardon for Alan Turing because as a country we owe him a huge debt of gratitude. The pardon was right for that reason. It was also right as a symbol of the fact that the country had moved on; by pardoning him, we were sending a very clear message that such so-called crimes were no longer a stain on our collective conscience.

It troubled me, however, that the pardon was just for that one person. As the hon. Member for East Dunbartonshire and others have powerfully argued, this matter affected many thousands of other men. That is why I am very pleased that the Bill has been introduced. To be fair to the Government, they have made progress on this through the Protection of Freedoms Act 2012 in the last Parliament. They have also indicated their support for Lord Sharkey's amendment in the other place. That is very welcome progress and I will wholeheartedly support that if it is the vehicle through which change happens. But I absolutely agree with the hon. Gentleman and the many others from both sides of the House who have said that we can do better. We can move forward in a much more symbolic way that will make a real difference to many people in this country.

Hannah Bardell (Livingston) (SNP): That is an important point of symbolism, which is at the heart of what the hon. Gentleman is saying. I would dearly have loved to speak in today's debate, but my voice is failing me due to a cold. I did not come out to my family until just after I was elected. It was with the support of my SNP colleagues, my family and friends that I made a public statement earlier this year. I hope the next generation of young people and politicians will not have to make public statements and will not have to say that they are gay—because it will not matter: our colour, our race, our sexual identity will not make a difference; all will be equal. That is why it is so important to give this Bill its Second Reading so that it can go forward into Committee. We will have better scrutiny of this Bill in Committee than we will of an amendment as an afterthought to a Bill that is already going through Parliament.

Iain Stewart: I absolutely agree with the hon. Lady, and I congratulate her on finding her moment to make that announcement. I agree that it should not have to be made. All of us who are gay have a different journey, and we come to terms with it in different ways at different times—privately with our families and friends, and then publicly.

That brings me on neatly to my next point. Although we live in enlightened times in which we have passed the Marriage (Same Sex Couples) Act 2013; section 28—or section 2A as it was in Scotland—has been consigned to the dustbin, and adoption and military procedures have changed, some people ask why we need a Bill such as this. They say, “Haven’t you already got all you’ve been asking for?”. However, it is important to note that even people such as me, who were born after homosexuality was decriminalised, can still sometimes carry with us perhaps a sense of shame or perhaps a sense that we are not entirely comfortable in our own skins.

That is a legacy of growing up in an age when there was prejudice. Different people coped with it in different ways. I struggled with it at times. I read a very good book, and I encourage other Members to read it, called “The Velvet Rage” by Dr Alan Downs. He gets to the heart of why some gay men, even in enlightened times and in countries where the law is as liberal as it could be, still feel that rage and shame. Addressing that problem does matter.

The Bill will not in itself clear all the hang-ups or depression or other feelings that people have, but it will be an important next step—in the same way as same sex marriage was and all the other changes we have made in recent years. I urge the Government to think seriously about supporting this Bill. They should at least grant it a Second Reading.

If I remember correctly from when I was studying politics at university, the point of a Second Reading is to provide a debate on the principle of the Bill in question. No one here today has expressed an objection to the principle of this Bill. There may be questions about the detail, the process, the capacity of the Ministry of Justice—these are perfectly valid concerns to raise. We are a Parliament; that is what we do. We look at the detail, tease out issues and look for unintended consequences and so forth. That can surely be done in Committee.

I think that if we approve the Bill today, it would send out a powerful and important message to the country, to the thousands of men who still struggle with what happened in the past and to those growing up today who remain uncertain about whether and how they should come out. Please let us approve this today. Let us take it to Committee and tease out the issues there. That is the appropriate procedure for this Bill. I congratulate the hon. Member for East Dunbartonshire once again on introducing the Bill. I will be proud to support him later in the Lobby if it comes to that.

12.9 pm

Wes Streeting (Ilford North) (Lab): It is a genuine pleasure to follow the hon. Member for Milton Keynes South (Iain Stewart), who delivered a powerful speech in favour of the Bill. I also want to thank particularly, in the warmest terms, the hon. Member for East Dunbartonshire (John Nicolson) for introducing it. Unlike him, I was not born in the 1960s, although my parents

were, and I reflect on how much our society has changed during their lifetimes and mine. In particular, I reflect on how much the law of the land has changed just in my own lifetime, and on the record of successive Governments. We have seen the abolition of section 28 in England and Wales and section 2A in Scotland, the legalisation of equal marriage, the introduction of protection in respect of goods and services, and the ability of LGBT people to serve in the armed forces. So many changes in the law of the land brought about by this place have led to a change in our country, and our country is a better place for it, which is why I strongly support the Bill.

I welcome the fact that we are having a debate with a Conservative Government about how we should make this change in the law, rather than whether we should make it. I shall return to that point later in my short speech, but I am pleased that the Government have already taken some steps in the House of Lords. I urge them to go further this afternoon, through the Bill and through proper scrutiny in the House of Commons.

Alan Turing has an important part to play in our country’s history, but he also has an important part to play in our country’s future. Through great initiatives like LGBT history month, and through the work of science and history teachers in schools up and down the country, young people growing up in Britain today learn of the extraordinary acts of bravery and intelligence that took place at Bletchley Park, in the constituency of the hon. Member for Milton Keynes South. It is very likely that, had it not been for Alan Turing, we would not have succeeded in turning back the tide of Nazism as it swept across Europe. We would not have been successful in defeating the Nazis in the sea and in the air. It was because of the Enigma code-breaking work that took place at Bletchley Park that the allies were able to secure such a powerful advantage over the Nazis when all seemed lost on the continent of Europe.

That story is powerful not just because of the extraordinary role that Alan Turing played in a decisive moment in British history, but because, only a few years later, this hero of our country was tried before our courts, was chemically castrated, and was forced to take his own life. Young people growing up in schools today do not only learn about the enormous heroism of Alan Turing; they also learn about the extraordinary treachery of the Government of the day and the courts that allowed it to happen. That lesson and that experience cause them to reflect on what it means to be a decent human being, to reflect with horror on Britain’s past, and to aspire to a better future. As a former head of education at Stonewall, I know how powerful the work of teachers and schools is, not just in enabling young people to learn about changes in the law, but in bringing about changes in hearts and minds.

LGBT young people growing up in Britain today face a very different pressure from the pressure faced by Alan Turing and his generation. Unlike Alan Turing’s generation, they are not threatened by the letter of the law. None the less, just like Alan Turing’s generation, they feel threatened by bigotry in the streets, in the workplace, in the classroom and in the home. That is why we need to think very carefully about the message that we will send through the law today.

The pressure that LGBT people continue to face to remain in the closet because of fear of discrimination or violence in this country today has led to an appalling

[*Wes Streeting*]

situation. More than one in five gay men currently experience moderate to severe anxiety or depression, and a third of lesbian and bisexual women have thought of taking their own lives. Shockingly, according to research by Stonewall, more than 50% of LGBT young people in our schools have self-harmed, and about one in four have attempted suicide. Those are young people growing up in our country today. In any other context—in the context of the general population, for example—there would be outrage in the House and throughout the country over such figures relating to suicide and self-harm, yet these are real statistics affecting young people in our country today. They have reached epidemic proportions, and this is a national crisis. The Government need to look carefully at what they can do to tackle the mental health crisis that still affects LGBT people in Britain today.

The hon. Member for Reigate (Crispin Blunt) spoke powerfully about symbols, and about the power of the Bill to be an important symbol for the kind of country we want to be. I urge the Minister to think carefully about the kind of symbol that the House would be presenting today if the Bill, with all the welcome publicity it has generated, were either talked out or defeated. It would send a message that there are still people in this House and across the country who are not content to see equality for LGBT people and who look back on the progress made by this Parliament not with pride and optimism for the future but with regret and pessimism about their ability to defeat what Martin Luther King called the arc of social progress that “bends towards justice”. The Minister clearly has some technical problems with the Bill as it has been presented, but that is exactly why he should urge his colleagues to vote in favour of its Second Reading, so that those issues can be ironed out in Committee. If the Bill is defeated today, people across the country will not hear the news that the Minister had some technical concerns with it; they will see the news that the Conservative Government conspired to defeat this important measure.

Mr Gyimah: It is important to make it absolutely clear that the Government are not dragging their heels and are not hesitant on this important issue. We want to right this historic wrong as fairly and quickly as possible. That is why we have tabled an amendment to the Policing and Crime Bill.

Wes Streeting: I am absolutely delighted to hear that, and I will be happy to talk further with the Minister about how we can iron out the problems in the Bill as we march into the Aye Lobby together this afternoon.

We can look back with enormous pride at what has been achieved, but we must not assume that the progress we have made cannot be undone. I am sure that I am not the only person in the House this afternoon who is deeply concerned that in recent weeks and months we have seen a huge rise in hate crime across the United Kingdom, including homophobic hate crime. We are seeing the rise of far-right extremism across Europe, and the US presidential election has shown that being absolutely fine with sexual harassment is no bar to holding the highest office. People who strongly support liberal democracy have become complacent about defending

it and ensuring its ongoing success. The Bill represents an important moment in that context, and it should be supported.

I want to end by quoting the words of Roger Lockyer, who is 88 years old and one of the men who had to endure a lifetime of experiences that someone of my age has thankfully not had to experience. Speaking about the hon. Member for East Dunbartonshire’s Bill and about those members of his generation who were convicted, he said:

“They may have been legally convicted, but they were unjustly convicted.”

This pardon is not about forgiveness for something that people did wrong. It will send a powerful message that they should never have been convicted in the first place, that those laws should never have existed and that those people should never have been prosecuted when they had done absolutely nothing wrong. The Bill is about confronting our country’s past and facing the future with confidence. That is why I will be voting for it this afternoon.

12.18 pm

Nigel Adams (Selby and Ainsty) (Con): It is a great privilege to follow the hon. Member for Ilford North (Wes Streeting). I lived in Ilford as a young man, until I was drummed out of town when the locals discovered that I was a closet Tory. It is a great pleasure follow him and to have this opportunity to speak in the debate on this Bill, which is not only of great importance for justice in this country but of great emotional importance to my constituents and others who are either gay themselves or who have friends, family and colleagues who are gay and feel that they have been judged by a different standard over the years.

The hon. Member for East Dunbartonshire (John Nicolson) is my colleague on the Culture, Media and Sport Committee, and I am incredibly grateful to him for using his coveted allocation of time to bring forward these proposals in a private Member’s Bill and for sharing his ideas with me over several bottles of rosé a few weeks ago. He has done valuable work to make this a truly cross-party initiative. I thank him for including me in this and I am proud to be on my feet today in support of what he wants to achieve through the Bill. We have heard some impressive contributions, and I particularly want to mention my right hon. Friend the Member for Arundel and South Downs (Nick Herbert), and the hon. Members for Glasgow South (Stewart Malcolm McDonald) and for Rhondda (Chris Bryant), who made a moving speech.

Equality before the law must be not only our fundamental principle, but our fundamental practice. That means that not only must justice be done, but justice must be seen to be done. The Government’s previous disregard scheme was a step in the right direction towards justice in that it helped to ameliorate the repercussions of a criminal record for those convicted under what we now rightly consider outdated, unfair, discriminatory laws that treated sex between men differently. To truly rectify the injustice we must go further and, as the Bill proposes, grant pardons and admit that the convictions were immoral, which does not really happen under a disregard scheme. Justice will then be seen to be done and, importantly, the wrongfully criminalised and their families will feel that it has been done.

The Government's official apology for the shameful treatment of Alan Turing was an important moment. I am pleased that the deep gratitude we now correctly feel toward Turing's crucial contributions to Britain's defence provided enough of a focal point that his famous cause could trigger that apology. No matter how famous or anonymous, however, no one citizen has a greater value nor a greater right to justice. That pardon was just for Alan Turing, but there is no tenable case for every other individual affected not having the same right. Like Turing, each individual is someone's family, someone's friend, and they deserve acknowledgement of their fundamental equality before the law.

I welcomed the comments of the Minister when he said yesterday that the Government will adopt some of the proposals in this Bill and use the Policing and Crime Bill to put right some of the injustices. However, I found the Government's last-minute scrambling or dancing around handbags—not something I have done myself—a little slippery and disrespectful to the hon. Member for East Dunbartonshire and his Bill, but I look forward to the Minister's further remarks.

Other colleagues and the Bill's promoter have made eloquent moral and legal cases, so I will conclude my contribution on the subject there, but I want to finish by taking the opportunity to issue a mea culpa. During my first term in office, I voted against marriage equality for a whole host of reasons. I thought at the time that what I was doing was right, but having reflected and having seen how the Marriage (Same Sex Couples) Act 2013 has made such a positive difference for thousands of couples around the country, I deeply regret that decision—[HON. MEMBERS: "Hear, hear."]—and many in this House will know how difficult it is for a Yorkshireman to admit that he got something wrong. If I had the opportunity again, I would vote differently and I want to apologise. I apologise to friends, family members and constituents who identify as gay, lesbian or bisexual. I want them to know that I believe in their full equality. I am unable to change that previous vote, but I am pleased to have the chance today to stand in support of equality before the law, and I am more than happy to support my friend's Bill.

12.24 pm

Peter Grant (Glenrothes) (SNP): We heard some fashion advice earlier from my hon. Friend the Member for Glasgow South (Stewart Malcolm McDonald), and, without realising it, I, too, am wearing a purple tie and a yellow lanyard. Today is the day when, after years of soul searching, I have to come out as being straight—I should point out that my wife, who has been good enough to put up with me for the past 32 years, has had her suspicions. But there is a serious point here, which was referred to by my hon. Friend the Member for Livingston (Hannah Bardell): I have never had to come out as being straight, so why should anyone have to come out as being gay, lesbian or anything else? I have never had to justify to anybody the codes of behaviour that guide me in my private life, partly through the faith I believe in and partly just because I am who I am. Why should somebody who follows a different path in life have to justify their right to do so? What gives me or anyone else the right to criminalise somebody simply because they are a wee bit different from how I am?

My first reason for supporting the Bill is therefore not because the various pieces of legislation that outlawed homosexual acts were wrong or mistaken, or because they have passed their sell-by date and it is time to catch up with changes in social values and so on, but because they were laws that no Parliament on earth has ever had any right to pass in the first place. Our predecessors stepped well beyond any legitimate authority they had when passing that legislation. I do not judge them, and I do not judge the police and courts that then had to enforce the legislation, but it is entirely proper that, as the successors of those who passed legislation that they had no right to pass, we should take full responsibility for doing what we can to put it right. That is also why this deserves a full Act of Parliament in its own right, as the injustice is great enough. It is appropriate that that Act should be born in the part of Parliament that is elected by the people and speaks for the people, rather than in a part that is appointed by and for the great and the good.

I was going to speak about the damage that has been done to so many lives, but I shall consider the interests of brevity, as the worst possible result we could have today would be for the Bill to be talked out. I cannot imagine anything worse than for this Parliament to send out a message that says that, almost 50 years after we decriminalised homosexual acts, we did not have time to decide whether finally to pardon and apologise to all those who were affected.

I can appreciate the concerns about creating a precedent. Apart from the example referred to earlier about young men who were executed for cowardice because they had a nervous or mental breakdown in the trenches, I am not aware of any other instance in our recent history when so many people have been subjected to such awful persecution as a result of an unjust Act of Parliament. If anyone can give me such an example and wants to introduce retrospective pardons for those affected by that legislation, I will support it, as I hope everyone else will.

My judgment on when Parliament should criminalise an act will never be based on whether it complies with the personal conduct that I impose on myself as a matter of my religious faith; it will always be based on whether that act is harmful to others. Robert Burns once said, in my favourite quote of his, even though it is not a piece of poetry, that "whatever injures society at large, or any individual in it, this is my measure of iniquity."

That should be our measure of any proposed criminal legislation. If something does not hurt anybody else, it is nothing to do with the law of the land. Despite having had a number of sometimes difficult conversations with close friends and family at the times of the debates on section 28, gay marriage, gay adoption and many other things, I have never heard anyone present me with a single piece of evidence to suggest that two men having sex are any more of a danger to society or any less a member of it than a man and a woman having sex or two women having sex. Let us remember that it has never been a criminal offence for two women to have sex, so why on earth did anyone think that it was a good idea to criminalise it for men?

A further huge damage that has been done to our society as a result of this legislation, as we see in the good example here of my hon. Friend the Member for

[Peter Grant]

East Dunbartonshire (John Nicolson), who confessed that he had actually wanted to join the Government service but decided not to because he would not have been allowed to without telling lies. How many of our finest diplomats never joined the diplomatic service? How many of our best teachers never taught in front of a class of young people? How many of our best politicians never stood for any public office, not because they were not good enough, but because they were scared to do so as a result of the terror of what might then come out about their private lives?

This legislation had an appalling effect on the lives of many thousands of our fellow citizens. It has caused untold damage to the wellbeing of our whole society. As other Members have said, it was a gift to our friends in the KGB, because it is very difficult to blackmail somebody over their guilty secrets after we have said, “Your guilty secret isn’t guilty anymore and you don’t have to keep it secret anymore.” It was a blackmailer’s charter. We will never know how much damage was done in that regard. We do not know how many lives were blighted—I am talking about the lives of the boys and men who managed not to be convicted. We know how many men were convicted, but we will never know how many lived their entire lives under the sheer terror of being discovered. We know that a significant number of men took their own lives, because they simply could not reconcile the conflict between knowing who they were and being told every day of their lives that they were not allowed to live as the person that they believed themselves to be.

I can understand it if there are some concerns about the content of the Bill, although I have to say that it seems as though the Minister has changed his grounds for concern since the debate started. Earlier on, there was a claim that the Bill would grant a pardon to people who did not deserve to be pardoned. My hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) read out a provision in the Bill that makes it clear that that cannot happen. If somebody wants to read out a provision that allows that to happen, I would like to hear it. Once that argument was debunked, it was argued that the law would not actually allow just anybody to be pardoned, but that it might give someone the opportunity to pretend that they had been pardoned. That is not the kind of argument that we expect from a Minister of the Crown in speaking about any proposed legislation. It gives me an uncomfortable feeling that the Government’s concerns are not with the fine detail of the Bill or with its principles. Clearly, there is no objection to the principle of the Bill. I am left wondering whether the problem is to do with the identity of the person who has brought in the Bill. I hope for goodness’ sake that that is not an issue.

What does it do for the reputation of this place as a democratic legislature if this Government—not this individual Minister—who have encouraged my hon. Friend and others to put a huge amount of work and effort into proposing legislation that they said that they wanted, say at the very last minute, “Actually, you can take your hard-earned Bill, tear it up and throw it in the fire, because we have decided that we know a better way to do it.” If that were to happen today, the number of people on these islands who seriously doubt whether

this place is fit as a legislature will grow. If the Bill falls for lack of time because somebody thought that it was clever to show how long they could talk for, knowing that the clear majority will of this House is for this Bill to go ahead, what should be one of the brightest days in the history of this place would soon become one of the darkest.

I appeal to Members to allow the Bill to pass, so that the thousands of men who continue to live with shame and guilt for something that they should never have felt ashamed or guilty of can live out their last days on earth knowing that they have been declared innocent of any wrongdoing and so that those for whom this decision has come too late will finally be allowed to rest eternally in peace.

12.33 pm

Nigel Huddleston (Mid Worcestershire) (Con): It is a pleasure to follow the hon. Member for Glenrothes (Peter Grant). May I congratulate my hon. Friend the Member for Selby and Ainsty (Nigel Adams) on his earlier comments, which I think the whole House found extremely touching and very sincere. I also congratulate the hon. Member for East Dunbartonshire (John Nicolson) on his success in the private Members’ Bill ballot and on introducing the Bill.

It would appear that we are tantalisingly close to getting a cross-party agreement that achieves the intent of so many stakeholders in this debate. I was honoured to be asked to support the Bill by the hon. Gentleman because it is entirely consistent not only with my values of a fair and tolerant Britain, but with a Conservative party manifesto commitment, in which we pledged to build on the posthumous pardon of Alan Turing with a broader measure to lift the blight of outdated convictions for homosexual acts and to introduce a new law that will pardon those—both alive and dead—who have suffered these wrongs. I note a “new law” and “pardon” in that phraseology, which is in the manifesto commitment on which I and others stood. Supporting the Bill was therefore not a difficult decision for me, because it is entirely consistent with the manifesto, yet we are now faced with not one but two Bills that aim to achieve that goal.

I was encouraged by the Government’s announcement yesterday that Lord Sharkey’s amendment to the Policing and Crime Bill will be adopted. This was no doubt spurred on by the hon. Gentleman’s Bill. Whichever of the Bills makes it on to the statute book, it will be an important and long-overdue step. It is extraordinary that there are men still alive today who live with the stigma of a criminal record for homosexual acts that are no longer illegal and in many cases have not been illegal since before I was born. It is 49 years since homosexuality was decriminalised in England, 36 years since it was decriminalised in Scotland, and 34 since it was decriminalised in Northern Ireland. We often pride ourselves in this place on leading public opinion, but in this matter we are woefully behind.

There are people who still find the idea of homosexuality uncomfortable, but I am sure that the vast majority of those who hold that view would still accept that there is a world of difference between being uncomfortable with the acts of others and believing such acts should be illegal. Personally, I do not believe that there is only so

much love in the world that the Government need to step in and ration it, and dictate to consenting adults where it can and cannot occur.

Although homosexual acts are no longer illegal, the fact that the taint of criminal records for homosexuality still exists is completely out of kilter with modern, progressive and compassionate British society, and it is absolutely right that we take action to correct this.

Some people have expressed concern that such a Bill would lead to the pardoning of rapists and child molesters. That is obviously not the intent of anyone, and there are specific lines in the Bill stating that the pardoning must relate to consensual sex with over-16s only, and I assume that the Government's Bill gives similar assurances.

I understand that there are also some concerns about the process of pardoning and whether a disregard process should be followed. I am confident that we can come to a reasonable consensus on all these points, and it seems that the only remaining issue is the process by which we avoid unintentionally pardoning those who should not be pardoned.

We have a golden opportunity for a cross-party Bill of huge actual and symbolic significance. I respectfully suggest therefore that Ministers and the hon. Gentleman work together on the details and final wording, so that we can pass a Bill that Members of both Houses and all parties can agree on, and do so as soon as possible.

I have the pleasure of serving alongside the hon. Gentleman on the Select Committee on Culture, Media and Sport. He has been in this House for only 18 months—just as long as I have—yet in this short time he has already made a great impact, and if he and the Government can come to an agreement to make the Bill work, he will have played a key role in securing a great legacy both for himself and for all of us currently serving in this place. I support both Bills, as many in this House do. I do not know which vehicle is the best one to get what we want, but I just wish we can get to a resolution very soon.

12.38 pm

Matthew Pennycook (Greenwich and Woolwich) (Lab): It is a genuine privilege to take part in this debate, and I congratulate the hon. Member for East Dunbartonshire (John Nicolson) on taking this subject forward as the topic for his Bill and making a powerful opening speech.

Many Members have spoken eloquently and persuasively about pardons and apologies, making the case for why we should pass the Bill today, and I do not intend to reiterate them. I want to focus on the important amendments to the Protection of Freedoms Act 2012 that are in clause 3, and to do so with reference to a constituent of mine who does want me to name him because, despite the anguish and pain that he has suffered over the years, he knows that he should not be ashamed for what he was cautioned for. His name is Timothy Churchill-Coleman.

In July 1995, Mr Churchill-Coleman was arrested on exiting a bar in Soho by several plainclothes policemen and was accused of soliciting and importuning under section 32 of the Sexual Offences Act 1956. He denied the accusation and was taken to a police cell and pressured to sign a caution. Leaving aside the fact that he did not understand what he was being asked to sign, he remains adamant, and he is right, that he did nothing wrong.

Mr Churchill-Coleman has tried every measure imaginable to try to clear his name, both in personal representations to several police forces and through my offices. He was quite staggered to find out only last year that the offence for which he was cautioned remains an offence. Adding that offence to the disregard provisions of the 2012 Act is a necessary and urgent step that the Government must take and it is not contained in the Sharkey amendment. Several hon. Members, including the hon. Member for Torbay (Kevin Foster), have said that we are dancing on the head of a pin when it comes to the process. There are important measures in today's Bill which, as I understand it, the Sharkey amendment does not even mention and they need to be legislated for.

Let us consider what the legislative intent of leaving in soliciting and importuning under section 32 of the Sexual Offences Act 1956 means. I wrote to Home Office Ministers just several months, and the reply I received was that it remains a criminal offence and that the Government have no intention of amending the scope of the legislation. Soliciting and importuning—which judges have interpreted as any form of communication, ranging from verbal propositions to merely smiling and winking at a person of the same sex—will remain a criminal offence. That is incoherent and iniquitous and it must be changed as a matter of urgency. Logically, it means that gay bars, contact ads, dating agencies, phone lines and night clubs are all illegal and liable to be shut down, should the police interpret the law in the strict manner in which it is set down. In a country where homosexuality has been decriminalised and civil partnership is now legal, for the act of attempting to communicate with someone of the same sex for the purpose of homosexual relations to remain an offence is absurd.

That is why we have to pass this Bill, notwithstanding the very good arguments about the need to offer an apology and a pardon, not least to give constituents such as mine some redress. This stain on his record has been a blight on his life. It has made it extremely difficult for him to apply for jobs. He is a very qualified and talented special educational needs teacher and, in job interview after job interview, has had to suffer the indignity of having to mention this caution and try to explain it away. It is for people like him, as well as Alan Turing and all those who deserve a pardon and an apology, that the Minister should think again.

The hon. Member for Selby and Ainsty (Nigel Adams) was right that the Minister has come forward with a somewhat slippery argument. I do not think it holds up. We can deal with many of the safeguarding concerns in Committee. I would urge Conservative Members who intend to abstain or vote against the Bill to think again and join us in the Lobby. Let us make an important symbolic statement and improve the lives of people such as my constituent.

12.43 pm

Craig Williams (Cardiff North) (Con): It is a great privilege to speak in this debate. May I pay tribute to the hon. Member for East Dunbartonshire (John Nicolson) for his choice of Bill and the way he has led this debate? I also pay tribute to my hon. Friend the Member for Milton Keynes South (Iain Stewart) for his tone and his contribution. I know he is a man of absolute integrity and his words today really touched me.

[Craig Williams]

It was also a privilege to witness my hon. Friend the Member for Selby and Ainsty (Nigel Adams), a true Yorkshireman, apologise to this Chamber. As a Welshman, I know how difficult that can be at times, but his words brought out the best of this House.

The hon. Member for Rhondda (Chris Bryant), whose constituency is just up the road from mine, brought the debate home to us in this House by mentioning the shields in the Chamber of Members of the Commons that we look at every day when we debate.

Let me say to the hon. Member for Ilford North (Wes Streeting) that it is a great tribute to our country and society that, for those of our generation, if he does not mind my saying so—we have had many jokes about age today, but I think I am okay in saying that—many of the things we are talking about are alien concepts. For those of our generation, it is absolutely abhorrent to think that we did this as a society and as a Parliament, so it is a privilege to be a Member of Parliament at this time and to be righting these alien concepts. I think of my children, who are aged four and younger. As they grow up they will not have to tackle any of those alien concepts and they will not come out as gay or straight. They will simply go to school as human beings and members of our society.

Although I teasingly pointed out that this is not an English Bill but an English and Welsh Bill, I welcome the words of the hon. Member for East Dunbartonshire about the Scottish Government acting at pace. Would it be wrong of me to wish that he were a Member of the Scottish Government and brought the same vigour to the issue in Scotland as he has done here?

We have been talking about the matter for a while but with much agreement. There is a hint of sadness that we are almost there—we are at the final hurdle—and I wish we could come together and agree the remaining elements. I stood on the Conservative party manifesto, which was clear on the issue, and I want the changes introduced as quickly as possible. That is why I welcomed the moves yesterday. I am glad heads were nodded to the amendment in the Policing and Crime Bill that will deliver that at pace and more quickly than a private Member's Bill would. That is at the heart of the debate.

I want to dwell for a moment on the disregard process. I hope that in his contribution the Minister will refer to public awareness of what is on offer. There is a good argument for making people aware that they can apply for the disregard.

John Nicolson: I thank the hon. Gentleman for his support, but he must realise that the age demographic of the men concerned is such that they will not apply for that. They will not open themselves up to the shame and humiliation of applying. The disregard is cloud cuckoo land: there has to be a blanket pardon for them to get comfort.

Craig Williams: That is the nub of the debate. We have to think of a way round because the Home Office has rejected several applications for the disregard process where the activity was non-consensual and others where the other party was under 16 at the time. The disregard process has offered a level of safety, but I accept the hon. Gentleman's point. I ask the Minister to address

directly how we reach the demographic that we are talking about and how we ensure that they rightfully get the pardon and, beyond that, the disregard process, which clearly and irrevocably wipes away—

Matthew Pennycook: I have just named an offence—soliciting and importuning—which is not covered by the disregard process. I hope the hon. Gentleman will agree that making that a criminal offence is now considered unjust by the House and by society. However, it is not covered by the scope of that process. Does he accept, therefore, that the disregard process has limitations that are addressed in this Bill?

Craig Williams: I listened closely to the hon. Gentleman's speech. I hope the Minister, too, was listening.

Mr Gyimah rose—

Craig Williams: I see my hon. Friend is about to prove that he was indeed listening.

Mr Gyimah: The hon. Member for Greenwich and Woolwich (Matthew Pennycook) made a passionate speech. On a point of clarification, section 32 of the Sexual Offences Act 1956, to which he referred and which made soliciting and importuning a crime, was repealed in 2004. However, soliciting still remains a crime.

Craig Williams: I will leave that there.

The Liberal Democrat amendment that the Government accepted yesterday brings justice to the issue at pace, with checks and balances.

Callum McCaig (Aberdeen South) (SNP): As Members we must recognise the importance of language. A Policing and Crime Bill is utterly inadequate for dealing with the issue. The language is fundamentally important. On the issue of the living as opposed to the dead, the Government's position is intellectually and morally bankrupt.

Craig Williams: I have been paying tribute to the tone of the debate, although things seem to be going downhill. What my constituents want is justice and real action, not just words. We can debate rhetoric and words all we want, but my constituents put me here to get justice, and quickly—and yesterday's agreement to the amendment is the quickest way to achieve that.

I have quietly trod around the issue of this being an England and Wales Bill and my wanting to see the same justice in Scotland. It is okay for SNP Members to question us on rhetoric and action, even though we agree with most of what is being proposed—we are actually changing something—but the Scottish Government need to go at pace as well. I am not going to sit here and take a lot of abuse on this issue when we are debating real action and the Scottish Government, I am afraid, are being quite slow.

Joanna Cherry: Is the hon. Gentleman aware that last year the ILGA—the international lesbian, gay, bisexual, trans and intersex association, an international human rights organisation—named Scotland as the best country in Europe in which to be gay, lesbian, bisexual or

transgender? Will he take from that an assurance that the Scottish Government have these matters very much at the forefront of their mind?

Craig Williams: Of course I welcome that, and I hope that the United Kingdom as well as Scotland is seen in that vein around the world, and in respect of every community. I have pleasure in acknowledging Scotland's achievement, but when you have been in government a while, as the SNP have in Scotland, you have to prove things with actions as well as words. You cannot just look to awards that you have been presented; you will be judged according to the legislation you put through and what has happened. [*Interruption.*] The fact that hon. Members are quoting political slogans—

Madam Deputy Speaker (Natascha Engel): Order. While the debate had a nicer tone, I allowed the “yous” to go unchecked. Will the hon. Gentleman remember that when he says “you”, he is referring to the Chair?

Craig Williams: I apologise unreservedly, Madam Deputy Speaker; I am being stoked by my SNP colleagues while trying to agree with them on a lot of things.

Patrick Grady (Glasgow North) (SNP): It is worth putting on the record that we are having this debate as a result of a raffle, basically—the name of my hon. Friend the Member for East Dunbartonshire (John Nicolson) was drawn out of a hat. If a Member of the Scottish Parliament wants to take forward a private Bill, they do it by building consensus, having an open consultation and showing consensus at every stage in the process. That contrast is particularly worth noting in the context of how this debate came about today.

Craig Williams: The hon. Gentleman makes my point for me. You have been in government; you did not need a raffle in Scotland—[*Interruption.*] Madam Deputy Speaker, you really have me on the ropes now with this “you”. I will get to my point: the hon. Gentleman has made my point for me. In Scotland, there was no need for a raffle, so you could have done it.

I will now sit down after going back to where I started. I pay absolute tribute to the vast majority of the Bill and to the Government for conceding the amendment yesterday and wanting to see justice. I say again that I am so delighted to be a Member of a Parliament in which we discuss these concepts as alien and seek justice as a result.

12.53 pm

Dr Philippa Whitford (Central Ayrshire) (SNP): Before I start, I want to get the sartorial bit of the debate out of the way as quickly as possible. I am not wearing pink because we are discussing gay men's relationships: today is “wear it pink” day for breast cancer. I would have liked to see hon. Members all in pink. I ask those who came to the event that I hosted—I noted the queue; over 200 MPs came, dressed somewhat flamboyantly in their “wear it pink” photographs—to remember to tweet their photos later.

There has been a lot of humour today, but the issue is serious. Alan Turing was probably the individual who made the single biggest difference to the second world war. It has been estimated that he shortened the war by

two years and saved 14 million lives. There were many heroes who suffered, and many heroes who lost their lives, but there is no other person we can identify like that. Unfortunately for him, of course, what he did at Bletchley Park was secret: he was not a hero, and he was not welcomed with tickertape, given a medal or anything else.

Alan Turing was not charged for having sex with someone under age, having sex in public or behaving in a lewd way. Having been burgled, and having had to call on the public service of the police—when it, of course, became obvious that he lived with his partner—he and his partner were charged with gross indecency. His partner was let off, but Alan Turing ended up pleading guilty under legal advice. He was given the brutal choice of going to prison or facing medical castration. He was injected for a year with diethylstilbestrol, which causes the growth of breast tissue, impotence and depression. It is no little wonder that he took his life with cyanide two years later.

On top of that, one of the things that was probably very important to Alan Turing was that he lost his security clearance. He was allowed, technically, to stay in his job and to write academic papers, but as a cryptographer—as one of the leaders in developing computer technology—what he did was so much part of him that it was also his identity. Therefore, his identity at work and his identity in his person were removed.

The idea of sexual orientation change efforts has, sadly, not disappeared, and is still practised in many parts of the world. It is still advertised in America, and there are still people in this country—people with healthcare connections—who believe that homosexuality can be cured. Therefore, the idea that we are talking about a parallel to witchcraft from medieval times, and that the issue we are discussing is just technical, is not true. Many people were tortured. Aversion therapy included giving people nausea-inducing drugs while showing them pictures of male homosexual sex. Some people were electrocuted, some were burned and some had all sorts of horrible things done to them. We need to realise that these people were systematically tortured by the state and by health services. That was not that long ago. I was alive when the law changed—a few of us here were. This is not about medieval times. As Stonewall showed in its survey last year, there are still people associated with healthcare practice—perhaps on the edges—who believe these things. We need to be very clear about that.

We have seen the whole approach change. The hon. Member for Selby and Ainsty (Nigel Adams) was so honest and so moving in talking about how he had changed. That is what we have seen. It is not just a matter of social change; what we do in this place drives social change. Equal marriage has helped to change society. However, the anomaly we are talking about is still here, and a small amendment to the Policing and Crime Bill will simply not do what this Bill does. I am not talking about process; process can be sorted in whatever way necessary in Committee. We should not be arguing on the head of a pin.

Voting this Bill through sends a message. As the hon. Member for Ilford North (Wes Streeting) said, it is not the case, as the hon. Member for Rhondda (Chris Bryant) said earlier, that being gay is not an issue in schools. Actually, it still is. There are lots of young people hiding it, struggling with it and in pain with it. If

[*Dr Philippa Whitford*]

we vote against the Bill today, or if we talk it out because of some piece of trickery, the message we send out will be appalling.

We also need to take on our responsibility—I do not talk about this much—for the Commonwealth. We hosted the Commonwealth Games two years ago in Glasgow. In the run-up to them, we had all the discussion about the countries where people are persecuted and imprisoned that are part of the United Kingdom Commonwealth. For the mother of Parliaments, which is heard all across those countries, to talk this Bill out, or to vote it down, sends an appalling message. We have seen how a vote to leave the European Union has empowered people who are in a tiny minority to feel somehow enabled to take actions of race hate or, indeed, homophobia. Our saying, “We don’t think we should do this”, would give exactly the same feeling of empowerment across the country.

I am sorry, but the two things are not equivalent. It is not just a matter of speed—of taking a few months. These men have waited five decades. We should do them the honour of trying to get it right and get the biggest impact. People have campaigned, and not just for Alan Turing. We have pardoned him, but it is our job to make sure that all the other silent heroes who have suffered in the past are pardoned as well. I call on Conservative Members not to use some technical thing to oppose this or feel uncomfortable about supporting it. Abstaining will not do it; voting against it will not do it. We as a House need to send this through with a massive majority so that our voice cannot be ignored in any part of the world.

1 pm

Jeremy Quin (Horsham) (Con): It is a pleasure to follow the powerful speech by the hon. Member for Central Ayrshire (Dr Whitford) and the speech by the hon. Member for Greenwich and Woolwich (Matthew Pennycook). I spoke after the latter when we both made our maiden speeches. He made a thoughtful speech then and has done so today. Above all, I compliment the hon. Member for East Dunbartonshire (John Nicolson) on his excellent speech. He brought personal experience, passion and even humour to a very serious subject. As my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) said, he may go down in history in association with this Bill. In any event, he has gone down in the annals of this place as the person who transformed Edwina Currie—no mean feat.

Like the hon. Member for East Dunbartonshire, I too was born in the ’60s, although clearly I am less well preserved. In preparing for this debate, I looked for the first time at the Wolfenden report, which was published some 11 years before I was born. The circumstances it describes makes it sound like a report produced in a previous century, as do the elaborate preparations necessitated by the laws of the time to allow gay men, in secret, using pseudonyms such as “Mr White” or “The Doctor”, to present evidence. The report is damning, but also so humane that it is a wonder that it took a further 10 years for English law to be amended in 1967. I find it incredible that it was not until 1980 that the law changed in Scotland, and still later in Northern Ireland.

Joanna Cherry: It is a matter of regret that the law did not change in Scotland until 1981, but the hon. Gentleman will be aware that for many years prior to that the Crown Office had a policy of not prosecuting these offences.

Jeremy Quin: I was not aware, and I am grateful to be informed. It did seem extraordinary, and am pleased to hear that that was the case, although I know that the hon. and learned Lady will think that symbolism is also very important.

That it took so long is an indictment in itself, but the laws passed in here in ’67 started a long process that continued in 2015 with the Government’s welcome removal, in the Armed Forces Act 2016, of homosexuality as a ground for discharging a member of the armed forces. Changes in legislation, I hope and believe, have not only reflected a changing mood in the British people but, as the hon. Member for Central Ayrshire said, helped to reinforce and lead a change in mood—a profound change for the better.

By background, I am a historian, if a much less professional one than some of those who grace the Benches on both sides of this House. I would like to say that studying British history produces nothing other than a cosy Whiggite reassurance of the inevitable progress of a great nation, with improvements in economic, social and welfare provisions, a shift in sensibility, a growing liberal acceptance of our differences, and the humane adaption of the law—well, up to a point. However, no one can read social history and not be appalled by the attitudes of our forebears so often entrenched in laws passed by this House. Nowhere is historic injustice more apparent than in the attitude that in every aspect of life, the state had a role, and indeed an obligation, to legislate for personal morality—an attitude that Wolfenden had to fight to change. That had direct inhumane consequences, such as the offences under discussion this morning, as well as indirect victims, perhaps most poignantly those affected by the bastardy laws.

I was shocked by the speech of the hon. Member for Rhondda (Chris Bryant). I was shocked not only by the fact that he was once a Conservative—that was a welcome revelation—but by what he said about Neville Chamberlain, whom I had always rather admired. Neville Chamberlain was the person who came to this House in 1920 with legislation, which was challenging at the time, to reform the Bastardy Acts. The fact that he took the inhumane step of attacking his own Back Benchers for being homosexual shocks me, and it was a case of double standards.

We can wonder what our predecessors were thinking, but it is perhaps more sobering to consider what our successors might think of us. The historical events that we are discussing lead to a genuine and difficult dilemma. It is the role of this House to overturn injustice, to condemn bad laws and to lead the way against prejudice, but my fear in the past has been that to attempt to address all the wrongs would be an all-encompassing and overwhelming burden for the House. Focusing too much on redressing the problems of the old might prevent us from being a forward-looking Chamber doing what is needful to build a modern country. [HON. MEMBERS: “Hear, hear.”] Hon. Members may be disappointed by what I say next. I had hoped that for those convicted of

an historical offence, although it would not heal the pain of conviction or have a practical impact on the experience of having a criminal record, the knowledge that Parliament had abolished the offences would provide some succour. Two things have persuaded me that that is insufficient, however.

The first thing that has persuaded me is the Protection of Freedoms Act 2012. I recognise fully that no matter how antediluvian the legislation under which an individual was convicted, a proper process is required through which the historical record should be amended. The second thing is the royal pardon granted to Alan Turing in 2013 by Her Majesty the Queen. That royal pardon was said at the time to be an exceptional case for a truly exceptional man, and no one could disagree. Here was a man who could lay claim to being one of the founders of the modern technical age, and whose actions may well have shortened the war by two years, saving many lives—I had written tens, if not hundreds, of thousands of lives, but the hon. Member for Central Ayrshire has raised the stakes considerably and I have no reason to challenge the millions to which she referred. And yet the state that Mr Turing served so well confronted him with the choice of jail or chemical castration—a choice that, as the hon. Member for Neath (Christina Rees) pointed out, may well have led to his tragic early death.

The royal pardon—a pardon I fully endorse—gives rise to an obvious dilemma. Many hundreds of exceptional men were convicted of similar offences, as were more men who were not exceptional; they were normal, average people going about their lives. How can one be pardoned and not the rest? It is one thing to say to anyone convicted of an offence that they have been subject to grievous historical injustice but they are not alone, for they are in honoured company, but as soon as we start removing the honoured company because they are somehow special, the argument falls. It was right and proper to recognise the injustice done to Alan Turing, so it must be right and proper to recognise the injustice done to others.

I was, therefore, pleased that the manifesto on which I stood—I was going to quote it, but my hon. Friend the Member for Mid Worcestershire has already done so—made it clear that the Conservative party stood full square behind the principle of seeking reform in this area. I welcome the fact that that commitment is being made real in the other place with amendments tabled in Committee to the Policing and Crime Bill by the noble Lord Sharkey. The Government support those amendments, which substantially reproduce clauses 3(2)(c) and 3(3) of the Bill we are debating by amending the 2012 Act.

I am delighted that whether or not this Bill makes it on to the statute book, we will have the benefit of belt and braces. Some good will come of this debate. I again congratulate the hon. Member for East Dunbartonshire on introducing the Bill. It is generous of him to use his slot to introduce legislation that would have an impact only on England and Wales, and which would therefore be less likely to have an impact on his constituents. That speaks volumes about his commitment to and passion for the subject.

I understand that, however well-intentioned the Bill, the Government believe it suffers from technical flaws and that in particular it may lead to pardons automatically being granted to individuals who committed acts that remain illegal. I appreciate that Bill's proposer has

attempted to address those concerns in clause 1 and clause 2(4)(c), which specifically state that offences will be excluded from the provisions of the Bill in the event that they remain an offence on the date that it becomes law. The Bill also makes clear the requirement for consent.

My understanding is that the Government's concern that offences that would automatically be pardoned under the Bill may not have passed the tests required under the 2012 disregard provisions. I appreciate that the Government have a difficult path to walk and would not wish to send the wrong message from this place; I am sure that they would not wish to impugn those seeking a pardon because of some isolated cases. I appreciate that the Sharkey amendment, which itself could be amended in this place, may be a less symbolic or glamorous way of securing the changes that I believe nearly all of us want to see, but it may be the most effective. Having said that, the hon. Member for East Dunbartonshire produced a possible route for addressing the Government's concerns in Committee. I look forward to the Minister's winding up speech.

1.10 pm

Philip Davies (Shipley) (Con): I commend the hon. Member for East Dunbartonshire (John Nicolson) on bringing forward this Bill. May I give particular praise to a number of speeches we have heard in the Chamber today? It is unfair to single people out, but I am going to, because I think there have been some brilliant speeches. I will highlight four: those of the hon. Member for East Dunbartonshire himself, the hon. Member for Rhondda (Chris Bryant) and my hon. Friends the Members for Milton Keynes South (Iain Stewart) and for Selby and Ainsty (Nigel Adams). They all made fantastic contributions to the debate in their own different ways.

I will say at the start that, despite what I would say is my rather unfair reputation, I have no intention of taking the clock down to 2.30 pm today. I am as keen to hear from the Minister as everyone else. But it is important that those of us who do not particularly support the Bill have an opportunity to express why. We have heard today that everyone agrees and shares the same sentiment—I will make this clear right from the word go—of the principles involved here as far as I see them; if we are asking whether the fact that someone is gay should ever have been a crime in any shape or form, the answer is quite clearly no, of course not. Should we think any less of anyone who was ever convicted of any of these crimes? No, of course we should not. I hope and believe that everyone in this House can take that as read.

The issue is whether we get involved in having a widespread and blanket pardon for these particular offences. As my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) said of the approach taken by my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), this is not quite as easy as it looks.

The hon. Member for Livingston (Hannah Bardell) has unfortunately just left the Chamber, but I want to put on the record my praise for her intervention. I thought in that brief intervention she made one of the most powerful contributions in this debate. She made two very good points that should weigh heavily on the House. Her first powerful point was about whether a

[Philip Davies]

gay person should ever have to come out. Of course they should not. People's sexual orientation is absolutely irrelevant. The moment when this country gets to the stage when sexual orientation is an irrelevance cannot come soon enough in my opinion. Like the hon. Lady, I look forward to the day when no one ever has to come out as gay.

The hon. Lady's second point, specifically in relation to the Bill, was very powerful and is something that the Government might wish to consider; I would not say that it has changed my mind about the Bill, but it has certainly weighed heavily with me. As she said, this Bill having its Second Reading, going into Committee, then coming back for Report and Third Reading would inevitably mean that these issues gain more scrutiny in the House than if an amendment were simply accepted in the House of Lords and came back to the Commons for a debate of an hour or two, maximum—perhaps not even that—and was in effect nodded through without any further scrutiny. There is some merit in that point. The Government might want to consider it. I had not given it much thought before, but I thought she made that point very well.

I must say that when I first heard about this Bill, my initial reaction was to think that it sounded as if it should be titled, "The Re-writing of History Bill"—a concept with which I am not generally comfortable. Plenty of ugly, evil and wrong things have happened in the past, but they are what they are. It is very easy for us in the House today to criticise people who were here in the past—I did it at the start of my speech when I said that these things should never have been a crime—but there will be things that we pass in this House with the best of intentions about which MPs will doubtless come along in 100 years' time and say, "It is absolutely disgusting that they passed those laws and offences at that time, and they should have been ashamed of themselves for doing it".

We should always be slightly wary of imposing our modern-day judgments on the past—it is easy to do, but not always fair to the people who made decisions on the basis of what they thought were in the best interests of the country at the time. We obviously think they were wrong, but they thought they were doing what was right at the time.

Dr Philippa Whitford: Does the hon. Gentleman not think that we should be a bit more concerned with people who are still alive and suffering, rather than our own vainglory in the future when we are dead?

Philip Davies: I was coming on to that point. The hon. Member for East Dunbartonshire made a fair point in that respect, but if the hon. Lady will forgive me, I shall come on to deal with her point in a few moments.

I was saying that we should be wary of getting into the habit—it seems that we are already in it—of always being anxious to apologise for things that other people have done in the past. Unlike my hon. Friend the Member for Selby and Ainsty, who is clearly a notable exception, we rarely apologise for the things that we have done. I suspect that the public are usually keener for us to apologise for the mistakes that we have made

rather than taking the easy option of apologising for the mistakes that we think people made hundreds of years ago. Tony Blair is a prime example. He was very keen to apologise for slavery that somebody else had done hundreds of years previously, but he would not apologise for the mess he left in Iraq following the Iraq war. I suspect that most people would regard it as more worth while for him to apologise for the decisions that he took, rather than for the decisions that others took many years previously. I do not generally like that particular approach to politics, but I leave it there.

Although my hon. Friend the Member for Cardiff North (Craig Williams) was slightly chastised for it, I think he was absolutely right to pull up our friends from the Scottish National party for coming here and chastising the Minister for introducing something late in the day, going very slowly and all the rest of it. The Bill applies only to England and Wales, and the Minister is going virtually all the way that the SNP would like him to go—not fully, I appreciate, but he is going an awful long way to meet their requests. It is slightly churlish of SNP Members not to have given the Minister more credit for that.

Moreover, the Scottish Administration have not introduced this law, even though they have had plenty of opportunity to do so. It would be interesting to carry out a freedom of information request to see how many letters the Scottish Government have received from SNP MPs about introducing this particular law in the Scottish Parliament. SNP Members should be wary of criticising this Government, who have clearly gone a lot further than the SNP Administration have in Scotland. A bit of humility on that particular point would not have gone amiss.

On the substance, I said that the hon. Member for East Dunbartonshire made a good point—it was a rhetorical flourish, but still a good point—when he said that we should be more concerned about the living than the dead. There is something in that. The problem is that once we start going down this route, it becomes difficult to stop the juggernaut in its process. It can become difficult if people try to draw distinctions. For example, once we have pardoned Dr Alan Turing—I have not heard anyone say that that should not have happened—it becomes an intellectual nonsense to deprive other people of the same pardon who were convicted of exactly the same offences but did not have such an exciting life and achieve as much in their jobs as he did. Dr Alan Turing's sexuality is irrelevant to his achievements. It should not have been because of his achievements that he was pardoned; he was pardoned for something which, as far as I can see, was irrelevant to them, and if he is pardoned for that, it becomes very difficult not to pardon other people.

I think the point that the hon. Member for East Dunbartonshire was rightly making is that once the Government have accepted that people who are deceased should be pardoned, it then becomes very difficult intellectually to ask why the same should not apply to people who are still alive. That is a fair point, and I look forward to hearing the Minister's response to it.

Stewart Hosie (Dundee East) (SNP): I understand the hon. Gentleman's point about the juggernaut and the various stages that might ensue. However, as my hon. Friend made clear in his speech, this is essentially a

victimless crime. What possible harm can it do—rather than good, of course—to pardon people who, in essence, committed no crime at all?

Philip Davies: I do not disagree with the hon. Gentleman's sentiment, and I made that clear at the outset. My point is that the hon. Member for East Dunbartonshire has selected a certain group of offences. My hon. Friend the Member for Calder Valley (Craig Whittaker) made a very fair point, which people ought to consider. In the past, many other offences have been committed which I would term victimless crimes.

Stewart Hosie: Such as?

Philip Davies: The metric martyrs are a prime example. Steve Thoburn sadly died with a criminal conviction for selling produce in imperial measures. That, I would argue, was a victimless crime. The customers were perfectly happy to buy the produce and Steve Thoburn was happy to sell it. There was no victim, but he died with a criminal conviction. He still has a criminal conviction. He has not been posthumously pardoned.

John Nicolson: I am sorry, but I am struggling to make the connection with the metric martyrs, whom I do not recall being chemically castrated, arrested or tortured. Perhaps the hon. Gentleman will remind me of that detail, which I have forgotten.

Philip Davies: I was not aware that the hon. Gentleman's Bill applied only to people who had been chemically castrated and tortured. Is he now saying that that is the case? The point that he is making is a complete nonsense, and he must know that. I was responding to an intervention from the hon. Member for Dundee East (Stewart Hosie), who asked whether there were any examples of victimless crimes committed by people who had a criminal record and had not been pardoned, and I gave him a perfectly good example. Moreover, he was nodding in agreement when I gave him that example. *[Interruption.]* The Scottish National party has become so dominant in Scotland that SNP Members are not used to hearing alternative opinions. I am sorry that they are so intolerant of anyone who holds a different opinion from theirs. It does not reflect well on them.

My point is this. I think that the Bill would have been easier to justify if it had included all past offences and all past convictions for crimes which are no longer crimes, and which were victimless. That would have been a perfectly logical thing to do. I think it is very difficult to pick out only certain crimes to justify the Bill, rather than including all convictions for offences of that kind.

Lyn Brown: I am genuinely grateful to the hon. Gentleman for giving way. At the beginning of his speech, he informed us that we might not be listening to one of his lengthy contributions, and said that he would sit down shortly in order to enable the Front Benchers to present their arguments. May I ask how long he thinks he might be? I ask simply because I want to put on record, very forcefully, the support of the Opposition Front Bench for the Bill, and I am worried that I shall not be able to get to my feet in order to do so.

Philip Davies: We have an hour and five minutes left. About three hours have been taken up by people speaking in favour of the Bill. I have fielded four or five interventions during my brief comments so far. If people do not intervene on my speech, I will be able to get through it a bit quicker. It would be a sad state of affairs and a sad day for our democracy if the only speeches that were allowed to be heard in a debate were those in favour of the Bill. I am not sure if that is what the hon. Lady is arguing for. She has put on record her support for the Bill, and if she wants to say any more, she is very welcome to do so.

I am going to conclude my remarks, but it is important that the concerns that my right hon. and learned Friend the Member for Rushcliffe had while in government, which my right hon. Friend the Member for Arundel and South Downs described earlier, should be given a hearing. Legislation of this kind, and even the measure that the Government have agreed to in the Lords, will open up the probability of, and certainly the justification for, pardoning people who have been convicted of other crimes that are no longer criminal offences, and which we do not believe should be criminal offences, particularly those that were victimless crimes.

I hope that the Minister will address this point and tell us whether the Government intend to go further down this route, or whether they intend to finish here with these particular offences, in which case I would like to hear the logic behind that. For example, there are people who were found guilty of attempting to commit suicide when it was a criminal offence to do so. Are they not worthy of a pardon? I do not see why we should cherry-pick certain offences when there is a whole range of others that could be added to the list. People should be able to express these views.

I shall conclude my remarks, Madam Deputy Speaker, because I did promise you and the House that I would not speak for a great length of time. I think we all agree with the sentiment behind the Bill. Should these offences ever have been crimes? Obviously not. Should we think any less of the people who were convicted of them? No, we should not. But we cannot pass laws in this House that are simply based on worthy sentiment. Nor can we pass laws simply to send out a signal or some kind of message, despite the fact that we have heard this intention expressed in almost every speech so far today. If we want to send a message or a signal, that should be done by making a speech. Passing legislation is a very different thing.

The question should be whether this is the right kind of legislation. Should we go over these cases again? Will the Minister tell us how easy it will be to go through every single case in order to ascertain whether the activity that took place at the time still constitutes an offence today? For example, certain activities carried out in public still constitute an offence today. How will we know, when we look back over the records, whether a particular offence took place in public and would therefore still constitute an offence today? If that detail was not relevant to the prosecution at the time, it might never have been logged.

We should not underestimate the practical difficulties that will be involved, and I hope that the Minister will be able to explain how they will be dealt with. When we pass legislation, it should involve practical things that have to happen rather than worthy sentiments, and I

[Philip Davies]

hope that he will reflect on the detail involved. If the Bill goes into Committee and comes back here on Report, I hope that the hon. Member for East Dunbartonshire will engage genuinely with the people who agree with his sentiments but have issues about the practical application of the legislation. I can see from the detail of his Bill that he has tried to address some of these points. I acknowledge that he has done that, and I hope that he—unlike some of those who have been making sedentary commentaries about my speech—will accept that while we genuinely appreciate the sentiment behind his Bill, we feel that it is important to get the detail right. I hope he accepts that we want to do this for the right reason, and not just to send a message or as a form of gesture politics that will make us all look good and feel good about ourselves. That is not the purpose of legislation in this House. We all share the same sentiment, but I hope he will engage constructively with people who hold a different opinion.

The hon. Member for Livingston is back in her place, so I want to tell her that her earlier intervention was fantastic and that I hope the Minister will address her point. Instead of just accepting a Lords amendment that will receive virtually no scrutiny in this House, we can perhaps consider the Bill in more detail if it goes through to Committee.

1.30 pm

Mr David Nuttall (Bury North) (Con): It is fair to say that we have had an extensive debate with many excellent speeches. My hon. Friend the Member for Shipley (Philip Davies) picked out four of them and I agree with all those choices. I particularly enjoyed the entertaining, moving and informative speech of the hon. Member for Rhondda (Chris Bryant). I am sure the whole House enjoyed it, too.

I genuinely congratulate the hon. Member for East Dunbartonshire (John Nicolson) on winning the private Members' Bill ballot. Some Members who have been in the House for many more years than he has have entered many times without enjoying the same success. Without wanting to sour that genuine note of congratulation, it was noted that the Bill was published very late in the day.

Mr Gyimah: I thank my hon. Friend for giving way so early in his speech. A number of questions have been asked about a blanket pardon for the living, including, "Why don't the Government just go ahead and do it?" I understand that there might be a closure motion, so I want to put it on the record that the crime was gross indecency and that many other crimes were prosecuted at a much higher level. Therefore, we could be granting a pardon to people who are ostensibly guilty of gross indecency, but some elements of that are still crimes today and go far beyond the scope of the Bill. That is why the Government propose a disregard process for the living followed by a statutory pardon.

Mr Nuttall: I do not think that intervention calls for a response from me. The Minister wanted to place that comment on the record and has done so.

To finish the remark I was making, I hope that, when the time comes, the House accepts, as the Government have, the Procedure Committee's recommendation that "the deadline for printing a Bill... be brought forward to the Wednesday of the week prior to the day of the second reading."

The hon. Member for Glasgow South (Stewart Malcolm McDonald) reminded us of the irony that the first ever private Member's Bill brought by a member of the Scottish National party extends only to England and Wales. That will not be lost on anyone. It is a smart move by the hon. Member for East Dunbartonshire because it sends a signal—the Bill is all about sending signals—that everything in his constituency is fantastic. There must be no problems in East Dunbartonshire that require a legislative solution. Thousands of people will be rushing to live there.

It is worth considering that the situation in Scotland is different from that in England and Wales. As we know, criminal law operates on a different basis there. Dr Jeffrey Meek, a lecturer in economic and social history at the University of Glasgow, published an article on 23 February last year on the "Queer Scotland" website, which specialises in articles on the history and culture of the lesbian and gay community in Scotland. The article was entitled "The 49,000: 'Pardons & Homosexual Offences', a Scottish Perspective". The 49,000 figure is an estimate of the number of men prosecuted for gross indecency and other historical crimes. Dr Meek wrote:

"Unlike what occurred in England there were relatively few successful prosecutions for private consensual sex between adult males north of the border during the 20th century; indeed it was a policy of successive Lords Advocate in Scotland not to prosecute private, consensual sex between men."

Does that mean that no men were prosecuted on account of their being gay? As Dr Meek pointed out in his article:

"The main focus of the law was upon men who engaged in sex in public spaces: in 'cottages', tenement closes, parks; and men who sold sex on the streets of Scotland's urban centres. This was not the result of 'liberal thinking' but was chiefly the result of evidential requirements under Scots Law."

Mike Weir claimed to move the closure (*Standing Order No. 36*).

Question put forthwith, That the Question be now put.

The House divided: Ayes 57, Noes 0.

Division No. 71]

[1.37 pm

AYES

Abbott, Ms Diane	Cherry, Joanna
Abrahams, Debbie	Cowan, Ronnie
Adams, Nigel	Crawley, Angela
Ahmed-Sheikh, Ms Tasmina	Day, Martyn
Arkless, Richard	Docherty-Hughes, Martin
Bardell, Hannah	Eagle, Ms Angela
Blunt, Crispin	Elmore, Chris
Bone, Mr Peter	Fellows, Marion
Brennan, Kevin	Ferrier, Margaret
Brock, Deidre	Fitzpatrick, Jim
Brown, Alan	Gethins, Stephen
Brown, Lyn	Grady, Patrick
Brown, rh Mr Nicholas	Grant, Peter
Bryant, Chris	Hendry, Drew
Burgon, Richard	Herbert, rh Nick
Butler, Dawn	Hollobone, Mr Philip

Hosie, Stewart
 Kerevan, George
 Kerr, Calum
 Law, Chris
 McCaig, Callum
 McDonald, Stewart Malcolm
 McGarry, Natalie
 McLaughlin, Anne
 Monaghan, Carol
 Mullin, Roger
 Newlands, Gavin
 Nicolson, John
 Paterson, Steven
 Pearce, Teresa

Pennycook, Matthew
 Rees, Christina
 Sheppard, Tommy
 Smith, Cat
 Starmer, Keir
 Stephens, Chris
 Stewart, Iain
 Streeting, Wes
 Tami, Mark
 Vaizey, Mr Edward
 Whitford, Dr Philippa
Tellers for the Ayes:
 Owen Thompson and
 Mike Weir

NOES

Tellers for the Noes:
 Philip Davies and

Mr David Nuttall

The Deputy Speaker declared that the Question was not decided in the affirmative because fewer than 100 Members voted in the majority in support of the motion (Standing Order No. 37).

Debated resumed.

Mr Nuttall: I am grateful that the House decided it wishes to hear some more from me this morning, but I will try to keep my remarks short nevertheless. I cannot understand why the House would want to end my speech.

I have one or two specific things to say about the Bill before we hear from the Minister, as I am sure the whole House wishes to do before very long. Like my hon. Friend the Member for Shipley, my primary concern about the Bill is that it attempts to rewrite history. As we have heard a number of Members say, many things have happened in our history that we all wish had not happened, but we have to take history as we find it; we have to accept that the past was as it was and not how we perhaps would have it if we could rewrite that history today.

The Bill is unnecessary in many regards. We should not assume everybody who is gay thinks that it is a good idea. Mention was made earlier—by the Bill’s promoter, I think—of George Montague, the gay rights campaigner and author of the book “The Oldest Gay in the Village”. He has said:

“I will not accept a pardon. To accept a pardon means you accept that you were guilty. I was not guilty of anything. I was only guilty of being in the wrong place at the wrong time. My name was on the ‘queer list’, which the police had in those days, and I will not accept a pardon. I think it was wrong to give Alan Turing, one of my heroes of my life...a pardon. What was he guilty of? He was guilty of the same as what they call me guilty of: being born only able to fall in love with another man.”

I am sure Mr Montague cannot be the only gay man who takes that view. There must be others. Are we going to force a pardon on someone who does not want to be pardoned?

There is also the crucial difference between a disregard and a pardon. The aim of a disregard is to treat the individual concerned, for all purposes in law, as if he had not committed the offence or been convicted of it. The latest information, as revealed in response to a parliamentary question, is that a total of 242 individuals made disregard applications in respect of some 317 cases

—some applied in respect of more than one case—between October 2012 and April 2016. Of those 317 cases, 83 were accepted for a disregard, 233 were rejected and one was still pending resolution when the Government responded. In view of the definition of what happens when someone successfully applies for a disregard, that raises the question whether, if the Bill becomes law, the automatic pardon would apply to them. I am not being difficult or awkward—this is a genuine point—but those who support the Bill may wish to consider whether it is worth clarifying in the Bill whether the pardon would apply to those who had already been accepted for a statutory disregard.

The same point applies to the proposal that the Minister wants to be introduced in the other place. It was not clear when I read the press release whether those who apply for a disregard will be granted an automatic pardon or whether they will be given the option of ticking a box on the application form to say, “Yes, I also want a pardon.” There may be others like Mr Montague who say, “I want the disregard, but I don’t want the pardon because I don’t accept that I did anything wrong.”

Many more things could be said about the Bill, but I said that I would allow time to hear from the Front Benchers and I intend to do that. I look forward to hearing what the Minister has to say.

1.54 pm

Lyn Brown (West Ham) (Lab): I had written a much longer and obviously well-crafted speech, full of pearls of wisdom and eloquence, but as I want to give the Minister an opportunity not only to be heard but, I hope, even at this late stage to accept this Bill or at the very least indicate that he will go from this House today and engage in genuine discussions about amendments to the Bill that will make it acceptable to the Government, I shall not speak for as long as I had intended. I and so many more people in the House and elsewhere will be disappointed if the Government do not show themselves to understand what is being spoken about today and make a genuine effort to meet those concerns.

Roughly 75,000 men were prosecuted for gross indecency between 1885 and the partial legalisation of homosexuality in 1967. Thousands more had to live their lives in secrecy and fear, and to hide who they were, for risk of prosecution. It was inhumane and unjust. The pain caused by these indecency laws can never be undone, and the relationships and lives that were lost can never be recovered, but this Bill does what we can do, which is to partly correct a grave injustice. The Bill grants a pardon to those convicted of sexual offences for acts that are no longer criminalised. It is our way of recognising that we made a mistake, that we caused trauma among innocents, and that we ruined lives. Inadequate though it may be, it is our only way of saying sorry.

We have heard many moving tributes today to Alan Turing and others whom the laws drove to their death, and it is rightly a source of national shame, but Alan Turing was just one wronged gay man among thousands. The British state owes an apology and a pardon to the ordinary men who were criminalised for being who they were, just as much as it owed an apology to Alan Turing. After all, we apologised to Turing not only because he is a national hero, though he clearly is, but because he patently did nothing wrong.

[*Lyn Brown*]

To be fair to the Government, in the past they have recognised that these convictions were wrong. They not only granted the pardon to Turing, but in 2012 they passed the Protection of Freedoms Act. That Act allowed those with convictions under these indecency laws to apply for their conviction to be disregarded and effectively expunged from the record, so long as their application is approved by the Secretary of State. The disregard scheme was a welcome development, particularly as it allowed those prosecuted under these uncivilised laws to apply for work without the blight of a criminal record, but it does not go far enough.

The disregard scheme relies upon the victims of injustice making an application themselves. Relatives of the deceased cannot make applications on behalf of their family member, nor, obviously, can the deceased apply for a disregard themselves. It is therefore of no use to the families of the approximately 50,000 men who were prosecuted for gross indecency and who are now deceased. The Minister must know of the pain that exists in families long after the event, and that families sometimes need the closure that this Bill would allow.

The disregard scheme puts the onus on those who are living to go out and apply for their conviction to be disregarded. I want to stress that, for many, going through the disregard process opens up so many old wounds, and reminds them of a time in their life that they may well wish to put behind them. I imagine that at this point in their life they do not wish to rake up all that old hurt, pain, humiliation and fear. It must be enormously stressful. The onus should be on the legislators to take action, because it is the law that was wrong.

The Bill before us deals with these problems. Clause 2 automatically grants a pardon to all those convicted of a list of sexual offences that have since been repealed. It is really important that the Minister grasps that point. Clause 3 will allow family members of the deceased to apply for a disregard. If the Bill is enacted, all those convicted under those laws would be pardoned whether they were living or deceased and all could go through the disregard process if a family member wished to pursue that.

On Wednesday, the Government signed an amendment to the Policing and Crime Bill in the Lords that would achieve most, but not all, those things. Lord Sharkey's amendment would grant a pardon to all the deceased who had been charged under the relevant offences, but not—and this is crucial—to the living. The living would have to apply for a disregard and only then would they be granted a pardon. The onus would be placed right back on the victims of injustice, which, I worry, rather reduces the quality of the apology being offered.

The Minister explained the Government's approach to the press. He said:

"A blanket pardon, without the detailed investigations carried out by the Home Office under the disregard process, could see people guilty of an offence which is still a crime today claiming to be pardoned. This would cause an extraordinary and unnecessary amount of distress to victims".

None in this House would want there to be a pardon for anyone guilty of serious sexual offences, but I am a little confused by the Government's reasoning. The private Member's Bill, as drafted, relies on a list of

sexual offences for which someone is granted a pardon, none of which is a crime any longer. It also contains a separate clause that clearly states:

"Nothing in this Act is to be interpreted as pardoning, disregarding or in any other way affecting cautions, convictions, sentences or any other consequences of convictions or cautions for conduct or behaviour that is unlawful on the date that the Act comes into force."

Given those safeguards, it is not clear to me how the Bill would lead to pardons for those guilty of an offence that is still a crime today—unless the Minister merely means that people will be able falsely and deceptively to claim to have been pardoned when they have not been.

Craig Whittaker: Something is not clear to me. If someone has previously been committed of having under-age sex, for example, how can we today determine whether such a previous conviction is still a crime? Anyone having sex with a minor today is committing a crime. However, that would not be clear from past criminal activity.

Lyn Brown: The Bill is really clear: if a past offence is an offence today, there will be no pardon. Having sex with somebody under-age is still an offence. Anybody who committed an offence that is still an offence today would clearly not be pardoned.

Craig Whittaker *rose*—

Lyn Brown: I will not give way again; I am coming to a conclusion and I genuinely think we should hear from the Minister. However, I say to the hon. Gentleman that the issue is not sufficient to warrant rejection of the Bill. We should be taking the Bill through Committee. If there are genuine problems of wording, it can be amended. If what the hon. Gentleman raises remains an issue, the Bill can be amended. That is what the Committee and Report stages are for—it is what we do here all the time.

If the Bill is imperfect, let us perfect it in Committee. That is where we do things such as this. Why is this Bill any different? None of us disagrees with the principles behind the Bill. The Minister is worried about unintended consequences. That can be dealt with. Let us take the Bill to Committee, change it and make it fit for purpose. I urge the Minister, even at this very last moment, to allow the Bill into Committee, where we can change it if necessary and bring it back for this House to pass.

2.4 pm

The Parliamentary Under-Secretary of State for Justice (Mr Sam Gyimah): I thank the hon. Member for East Dunbartonshire (John Nicolson) for bringing this important issue to the House. I also thank Stonewall and other groups that have campaigned vigorously on LGBT issues over the years, and to which we owe a lot of credit for the progress that has been made.

There have been some fantastic speeches today. I will not go through all of them, but I would like to single out the speech by my hon. Friend the Member for Selby and Ainsty (Nigel Adams). As he said, it is not usual for Yorkshiremen to admit they have made mistakes, but it is even less usual for politicians to admit that. He very graciously came out of the closet in favour of same-sex marriage in his speech.

Hannah Bardell: In saying those words, does the Minister not recognise that, in years to come, he may well reflect on the words he is about to say and that he is perhaps about to get it wrong?

Mr Gyimah: I have done a number of these private Members' Bills on Fridays, and it is very unusual to be doing one where the choice before the House is not the private Member's Bill or no Bill at all, but the private Member's Bill or a legislative vehicle—the Police and Crime Bill—that will help us achieve our aims much faster so that we can deliver justice. However, there is also an important point. It is not for nothing that they say, “You campaign in poetry, but you govern in prose.” Intentions are not good enough when it comes to making law; we have to think through the unintended consequences of law, and that is what the Government's approach tries to do.

Philip Davies: Perhaps the Minister would also like to make the point that if 100 MPs out of 650 had turned up to support the Bill, it would have got its Second Reading without any trouble at all. The problem is that it does not have the support of 100 MPs.

Mr Gyimah: We did not have 100 MPs go through the Division Lobby earlier. We have also had a substantial debate in which people in favour of the private Member's Bill have spoken for well over three hours.

Wes Streeting: Because we have had so many contributions, time is short. The last time I was here for a private Member's Bill with the Minister, he—entirely inadvertently, I am sure—talked it out. He still has over 20 minutes to address the issues. Can he commit to concluding his remarks so that we can have a vote on the Second Reading? Otherwise, it will not be his friends who are blamed for talking the Bill out. His words will ring hollow if he is the one who talks it out.

Mr Gyimah: I can commit to setting out the Government's case clearly and comprehensively. As I said, the choice before us is not this Bill or no action at all.

I was proud to announce yesterday the introduction of legislation posthumously to pardon thousands of gay and bisexual men convicted of now-abolished sexual offences. Not enough has been said of what was a big and momentous step by the Government yesterday. Many contributions today have glossed over that fact and tried to present the issue as one on which the Government have taken no action at all. This issue has been a big challenge for 50 years. Homosexuality was decriminalised in 1967. Yesterday's announcement was one of the biggest steps that has been taken since then, and it has been taken by this Government.

The issue was brought home to me when my office received a phone call from a lady whose stepbrother was convicted under these archaic anti-gay laws. She was so delighted that their shared mother, who was close to 100, has lived to see her stepbrother pardoned. That is a momentous step. To those who are making out—they are tweeting at the moment—that, somehow, the Government are not being progressive in this area, I say that the truth is that the Government are not dragging their feet or being hesitant in taking action.

The Government's legislative vehicle will deliver what we all want, which is to right this historic wrong quicker than any other method. By using a Government vehicle, we protect these measures from filibustering and from the vagaries of parliamentary time, and ensure that they get on to the statute book.

Angela Crawley (Lanark and Hamilton East) (SNP): Will the Minister give way?

Mr Gyimah: If you want me to finish, you might as well allow me to get through my speech.

In 2012, we introduced changes to the law to clear anyone still living and previously convicted of these now-abolished offences under the Home Office disregard process. Disregarding is a powerful tool in changing lives, as it removes any mention of a criminal offence. However, our announcement means that we will go one step further and introduce a new statutory pardon for those who have successfully had offences deleted through the disregard process.

Seema Kennedy (South Ribble) (Con): The number of convictions compared with the number of people who have taken up the offer of disregards is very low. Do the Government have any plans to publicise the disregard programme so that more people could take up that option?

Mr Gyimah: My hon. Friend makes a very powerful point.

In the Government's scheme, the living do not get a blanket pardon but apply for a disregard process. At the start of this debate, I offered to work with the hon. Member for East Dunbartonshire, MOJ officials and the Home Office to make sure that the disregard process is as effective as it can be. In addressing this, we need to think not only about those who were unjustly convicted of a crime but potential victims. Not having a disregard process and offering a blanket pardon means that we do not take into account the needs of potential victims.

Mike Weir: I do not quite understand the Minister's point. It is possible that someone who is now deceased and gets an automatic pardon is in exactly the same position as someone who is still alive, and there could be a potential victim there, so why is he making this strange distinction between the two?

Mr Gyimah: It is a very important point, and the answer is very simple. Someone who is living who received the blanket pardon could volunteer in a school where they committed something that is still an offence—for example, sex with a minor—so there is a bigger onus on us to get this right.

Mike Weir *rose*—

Joanna Cherry *rose*—

Mr Gyimah: I will take your interventions in a moment, but may I first develop my argument?

Madam Deputy Speaker (Natascha Engel): Order. I remind the Minister that when he says “you”, he is referring to the Chair. In these sorts of heated debates, things can get quite direct. It is important to remember that rule, especially when it gets a bit heated.

Mr Gyimah: That is very good advice, Madam Deputy Speaker. I would not want to drag you into this debate.

The Government will pardon those who tragically died before they ever saw this injustice tackled. In response to the hon. Member for Rhondda (Chris Bryant), who made a very passionate speech, it is a matter of deep regret that so many men went to their graves without the pardon they so rightly deserved. That is why we are so determined as a Government to deliver justice, as I have said, by the most swift and fair means possible. The Government will support Lord Sharkey's amendment to the Protection of Freedoms Act 2012 through the Policing and Crime Bill. Lord Sharkey is a Liberal Democrat peer. He is no stooge of the Government—the days of coalition are long over—and, like many Members here, including the hon. Member for East Dunbartonshire, he has been campaigning for this measure for a very long time. I am pleased that he will be taking forward the Government's measures on this.

I am also pleased that the measures have been widely welcomed. Nick Duffy, the editor of "PinkNews", said:

"There is a whole discussion around semantics but the bigger issue, I think, is that men who are alive today now have the option to finally have it, on paper, that they didn't do anything wrong, that these laws were a mistake and never should have been. It sends a message within our country that these laws were totally wrong, that we regret them, and that they should never have been on the books".

David Isaac, the chair of the Equality and Human Rights Commission, has said of the Government's approach:

"This is an important day for all those that have had criminal convictions through old unjust laws. Many people have campaigned for gay men to be pardoned after being prosecuted for being who they are and I applaud the government for fulfilling their commitment."

Those are quotes from independent people who have been campaigning for these measures for a long time, and they recognise that the steps the Government are taking will deliver justice in a fast and fair way.

Joanna Cherry: The Minister said earlier that his objection to the Bill was that it gave out a blanket pardon that might cover unlawful conduct. May I give him comfort by telling him that that is not the case? Clause 1 states:

"Nothing in this Act is to be interpreted as pardoning, disregarding or in any other way affecting cautions, convictions, sentences or any other consequences of convictions or cautions for conduct or behaviour that is unlawful on the date that the Act comes into force."

How could it be clearer? In addition, clause 2(4) states that the conditions for a pardon are that the other person must have consented and that they must not have been under the age of 16. Those provisions answer the Minister's concerns. Will he have the decency to admit that the Government are wrong about this, and that the Bill tackles the issues that he is raising?

Mr Gyimah: The truth is that the offence of which these men were convicted was gross indecency, which covered a whole range of criminal offences. The blanket pardon will cover everyone who was convicted of gross indecency.

Joanna Cherry: Will the Minister give way?

Mr Gyimah: Let me develop my argument. How do we differentiate between those whom the Bill covers and those who fall outside its scope?

I want to pick up a point made by the hon. Member for Ilford North (Wes Streeting), who said that he was delighted to be debating with a Conservative Government the "how" and not the "what" of this issue. The Conservative party has a proud record of trying to redress the inequality that gay, lesbian, bisexual and transgender people face. A Conservative Justice Secretary, my right hon. Friend the Member for Epsom and Ewell (Chris Grayling), paved the way with the Protection of Freedoms Act 2012, and a Conservative-led Government delivered the Marriage (Same Sex Couples) Act 2013, which enabled couples to marry regardless of sex and gender. I voted for same-sex marriage. Around the time of the debate on that Bill, people wrote to me to say, "These couples are the same, but let us treat them differently when it comes to marriage," but as someone from an ethnic minority, I knew that we could not say that people were equal but treat them differently. That is why I was delighted to vote for that piece of legislation.

The Conservative party has a proud record of more out MPs than all other parties put together. We know that there is more to do, and I reject the implication that by supporting Lord Sharkey's amendment, we are somehow shirking the huge amount that there is to do. We are delivering on our manifesto commitment by backing that prominent amendment, which will right this historic injustice against gay and bisexual men. Many people have said in the debate that we need to send out a signal. When I looked at the newspapers and the other news yesterday, it was clear that the signal was sent by the Government's support for the amendment. I am sure that the reverberations will continue for months to come, because the Government will not only have delivered on their commitment but gone as far as possible to right this historic injustice. I was delighted when the Leader of the Opposition described this as a great victory for all who have campaigned to right this wrong.

I know that for the SNP, answering the clarion call of "better together" is not something that comes naturally, but I hope that they will withdraw the Bill and support our amendment. We all want the same thing—to resolve an injustice that for too long has been left unchallenged. When the Lords amendment comes to this House the SNP will be able to contribute to the debate on it.

We are all here in part because of the world-famous story of the war-time hero and Enigma code breaker Alan Turing, which resulted in the Conservative manifesto pledge to introduce legislation to right these historical wrongs. Turing, who committed suicide following his conviction for gross indecency, was posthumously pardoned by Her Majesty the Queen in 2013.

The posthumous pardon of Alan Turing addresses his 1952 conviction for gross indecency, which resulted in him being chemically castrated. Turing was arrested following an affair with a 19-year-old from Manchester. His conviction, a sad indictment of the attitudes prevailing at the time, resulted in his losing his security clearance. As a result he was no longer able to continue the valuable code-breaking work that had he had begun at Bletchley Park during world war two and that had been vital to the allies. His pardon was granted under the royal prerogative of mercy after a request by my right hon. Friend the Member for Epsom and Ewell, who

was then Justice Secretary, following a high-profile campaign supported by more than 37,000 people, including Stephen Hawking.

As has been said, we know that Alan Turing is just one of the estimated 49,000 people who were unjustly convicted under those laws. Those unjust convictions are a matter of the deepest regret. They were for criminal offences as the law stood at the time. I am delighted that we will be delivering on our manifesto commitment to pardon those men and right those wrongs. The legislation the Government have announced will do two things to address the historical injustices faced by gay and bisexual men. In the case of deceased persons, it will provide for a blanket posthumous pardon to be given to those individuals who were convicted of consensual gay sexual offences that would not be offences today; those are primarily offences under the Sexual Offences Act 1956. As Lord Sharkey has said,

“a pardon is probably the best way of acknowledging the real harm done by the unjust and cruel homophobic laws, which thankfully we’ve now repealed.”

In the case of those individuals who are still living, it will provide that all who are successful in obtaining a disregard—I will explain the disregard process in a little more detail in a moment—will be granted a pardon, so that they get both a disregard, to expunge their record, and a pardon. That will apply to previous and future disregards.

Under the Protection of Freedoms Act 2012, individuals can apply to the Home Secretary to have their historical convictions for gay sex offences—primarily those under sections 12 and 13 of the Sexual Offences Act 1956—deleted. Officials check police national computer records and then local police and court records, to ascertain whether the offences were consensual, were with a person aged 16 or over and did not involve activity that is currently an offence. A successful applicant will be treated in all circumstances as though the offence had never occurred and need not disclose it for any purpose. Official records relating to the conviction that are held by prescribed organisations will be deleted or, where appropriate, annotated to that effect. The existence of those convictions or cautions may have prevented individuals from taking up certain opportunities in their lives or made them uneasy about going into certain professions or volunteering, because the information would have been revealed in a criminal records check.

Mike Weir: Will the Minister give way?

Mr Gyimah: I need to press on.

Although it is right that the state enables the vulnerable to be protected from those who pose a risk, it is not right that someone remains affected by a conviction for something that is no longer illegal. The process for the disregard, which has not been discussed in enough detail in this debate, is simple and not bureaucratic. Applicants complete a two-page form giving basic information such as their name and address and the details of the offence to be disregarded. The applicant also supplies photocopies of proof of address and identity. These can be sent by post or email.

Nothing else is required and the process is free of charge. The outcome of a disregard is a significant step for the individual, who may have had to live with that offence on their record for years.

George Kerevan (East Lothian) (SNP): Will the Minister give way?

Mr Gyimah: I want to press on.

When a person is successful in obtaining a disregard for a conviction or a caution, that offence is to be treated for all purposes in law as if the person has not committed the offence, been convicted or sentenced or even cautioned. Perhaps this will be of most use to individuals when applying for work or when volunteering for roles that require a criminal records check from the Disclosure and Barring Service. This is incredibly important, because under the disregard process, the offences will quite simply no longer appear on the disclosure, and can have no effect on the person’s chances of obtaining work or the opportunity to volunteer. Any previous barriers will have been removed and the person is no longer affected by the disclosure.

Craig Whittaker: To clarify a point, when the age of consent was much higher than today, as it was in 1967, how does the Minister envisage putting checks and balances in place on a blanket pardon where under-age sex has taken place under the age of 16, which is illegal today but is the same charge as when the age of consent was 21?

Mr Gyimah: My hon. Friend continues to make a very persuasive case. Yes, we all want a pardon; yes, we all want to right the wrongs of the past, but we cannot do that without the safeguards being inappropriate in cases where people are still living and there are consequences today. To do that would, I believe, be irresponsible on the part of the Government.

Mike Weir: In my earlier intervention, the Minister said that his concern was that someone getting a blanket pardon who was still alive could then get a job as a volunteer with children. However, the Bill specifically says that anyone who is still alive and wants the offence expunged from the record has to go through a second procedure. Surely anyone applying for such a job would have to go through a criminal records check, which would show up what was still on the record. I do not see where the difference lies.

Mr Gyimah: The hon. Gentleman makes my point about why a disregard step is essential in this process—*[Interruption.]* May I respond to the hon. Gentleman’s point? The disregard process means that there will not be a situation where someone has been ostensibly pardoned but the criminal record has not been expunged. The disregard process ensures that the criminal record is expunged and the person gets a statutory pardon. I am sure that Members will agree that such a process provides a meaningful avenue for individuals convicted or cautioned for sexual activity that is no longer regarded as an offence.

Lyn Brown *rose*—

Mr Gyimah: The hon. Lady has had her time. The process allows people to move on with their lives in a meaningful way.

A disregard is a much more powerful and useful remedy for someone living than just a pardon. We recognise the force of the symbol of being pardoned, which is why we propose to pardon all of those who are

[Mr Gyimah]

living and were convicted of relevant offences once they have received a disregard. I would urge any individuals who believe that they are eligible for the disregard process to apply through the Home Office to have their records properly assessed. I hope that today's debate has helped to raise the profile of this process so that those who are not aware can take steps to secure the justice that they deserve.

Of course, I support the intentions behind the Bill; the hon. Member for East Dunbartonshire and I share the same objectives. The proposed blanket pardon would not provide for robust checks to ensure that only those who clearly meet the criteria can claim to be pardoned. It could lead in some cases to people claiming to be cleared of offences that are still crimes—including sex with a minor and non-consensual sexual activity. Under the disregard process, for example, the Home Office has rejected several applications where the activity was non-consensual and others where the other party was under 16 years old. Those offences were captured under offences such as “gross indecency” at the time, but are still crimes today. It is important that a pardon for the living takes place only after due process to verify—[*Interruption.*]

Madam Deputy Speaker (Natascha Engel): Order. Enough. Let the Minister finish his speech.

Mr Gyimah *rose*—

2.30 pm

Madam Deputy Speaker: Order. Debate to be resumed what day?

John Nicolson: I suspect that there is little point, Madam Deputy Speaker, but I have been told to continue this farce. What I am meant to say is 16 December.

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

Ordered, That the debate be resumed on Friday 16 December.

REGISTRATION OF MARRIAGE BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 18 November.

Kettering General Hospital

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

2.30 pm

Mr Philip Hollobone (Kettering) (Con): I wish to draw the Minister's attention, on behalf of my constituents, to the good work that Kettering general hospital does for the local community, and to the challenges that will confront it in the years ahead. I am grateful to Mr Speaker for granting me permission to open the debate, and I am pleased to see the Minister in his place.

It is a huge privilege for me to be the Member of Parliament for Kettering. I regard Kettering general hospital as one of the pre-eminent issues for all local residents of the town, and I do not hesitate to use every possible parliamentary opportunity to draw the challenges that it faces of the attention of Her Majesty's Government.

I want to address five main themes: the huge demographic challenge faced by Kettering and its hospital, the challenge posed by ambitious plans for an urgent care hub, which require Government support, the challenge of funding estate development on the hospital site, the problems caused by national IT roll-outs, and the workforce challenges.

People in Kettering are very proud of our local hospital, which has been on its present site for 119 years. Local people have been born there, have been repaired there, and have died there. Everyone is hugely proud of the doctors, nurses and ancillary staff, who do a fantastic job around the clock, day in day out, week in week out, to provide increasingly first-class healthcare for our local community. However, the size of the local community is growing at an unprecedented rate. Over the last census period, Kettering was sixth out of 348 local districts for household growth, and 31st for population growth. The local population is growing at a rate of about 1% a year, but within that, the number of elderly people is growing even faster. Thank goodness we are all living longer, but the number of people aged over 75 in the county of Northamptonshire is likely to rise from just short of 54,000 in 2017 to just short of 72,000 in 2023—and it is members of that cohort who require the most treatment at the hospital and present the biggest challenge.

The good news is that the hospital is raising its game, and is responding. The number of beds was 518 in 2010; it is now 561, having increased by 8%, and is set to increase further to 600 over the next year or so. However, the number of treatments being provided is increasing all the time. In 2004-05, there were 71,300 admitted-patient consultant episodes at the hospital; that rose to just under 91,000 in 2014-15, an increase of 27%. The number of out-patient attendances rose from 168,412 in 2004-05 to 274,614 in 2014-15, an increase of 63%. The accident and emergency figures show a 23% increase from 67,500 in 2010-11 to 83,000 now, in an A&E department that was built 20 years ago and designed to treat just 40,000 people. The pressures on the hospital are unprecedented. The funding provided by Her Majesty's Government to the local clinical commissioning groups through NHS England is going up, but the Government have admitted that it is still short of the target amount.

Mr Peter Bone (Wellingborough) (Con): I congratulate my hon. Friend on securing this important debate. Does he agree that one of the frustrations for the people of north Northamptonshire is that the Government have a formula for how much money we should get but they do not give us that amount because they overfund elsewhere? That frustration is felt across the whole of north Northamptonshire.

Mr Hollobone: You will know, Madam Deputy Speaker, that my hon. Friend has a great way of simplifying complex issues to make them readily understandable. His intervention is just another example of that.

NHS England has told Her Majesty's Government that it is targeting the clinical commissioning groups that are more than 5% above or below the target funding, that both Nene and Corby CCGs are underfunded, and that the cash increase of 5.2% for Nene and 9.4% for Corby in 2016-17 will bring us within that 5% zone. This suggests that we are outside it at the moment. The fact that we are more than 5% away from the target funding and that we have one of the most rapidly increasing populations in the country illustrates the stiff challenge that Kettering general hospital faces.

Tom Pursglove (Corby) (Con): Residents in Corby and elsewhere in east Northamptonshire are proud of their hospital, as are my hon. Friend's constituents in Kettering. One of the challenges that goes with a growth agenda is the need for new infrastructure to support new homes. Does he agree that the new urgent care hub in north Northamptonshire, which we are all campaigning for, will be crucial not only for securing health services in our area, taking the pressure off A&E and meeting the growing needs of new residents moving into our area, but for meeting the Government's agenda on the better integration of health services?

Mr Hollobone: One of the advantages of working closely with my fellow Members of Parliament is that we begin to read each other's minds. My hon. Friend's observation leads me seamlessly on to section 2 of my speech, which is entitled "Urgent care hub".

In many ways, this is the most exciting challenge that the hospital faces. The idea of an urgent care hub is to have on one site, at Kettering general hospital, a one-stop shop for GP services and out-of-hours care, an on-site pharmacy, a minor injuries unit, facilities for social services and mental health care, access to community care services for the frail elderly and a replacement for the hospital's A&E department, which, as I have said, is more than 20 years old.

The three local MPs are working hard on this issue but, frankly, we need more support from the Minister. The hospital has drawn up ambitious proposals to develop the urgent care hub, which could cost between £20 million and £30 million. It is exactly the sort of thing that NHS England has highlighted in its "Five Year Forward View" as the way forward, and it enjoyed the support of the previous Minister, my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter). In a debate in Westminster Hall on 24 March 2015, he said:

"The principle of the hub is absolutely the right way forward for the local NHS. It is the type of integrated care model that we need elsewhere in the country, particularly where the NHS is servicing a broad population. In this case, it is servicing not just

Kettering, but a partially rural county and rural area. This is a model that I am sure hon. Members will continue to support and that I will continue to have a keen interest in supporting. I hope the plans will be successful at making the improvements that patients in my hon. Friend's constituency and the area surrounding Kettering want. There are encouraging signs. The improvements envisaged are significant and would ensure that the local area had a resilient and high-quality health care system to deliver the highest-quality patient care."—[*Official Report*, 24 March 2015; Vol. 594, c. 440WH.]

Would the Minister be kind enough to visit Kettering general hospital to look at the proposals for an urgent care hub? I am going to be pestering him at every Health questions this Parliament, and it would greatly assist the quality of his answers if he is able to visit the hospital and then speak from a position of knowledge. Kettering general hospital could lead a pioneering development for our country's NHS.

That brings me to the wider issue of funding for the estate at Kettering general hospital. A small or medium district general hospital such as Kettering, which is on an ageing town-centre site, will inevitably have a great backlog of maintenance and equipment that needs to be replaced every year. The hospital spends something like £10 million to £15 million of capital each year through loans, unhelpfully swelling the balance sheet. The financial pressure on the hospital is clearly huge. The capital programme for next year is largely made up of three items: £5 million on a maintenance backlog; just over £1 million on IT infrastructure; and almost £1.5 million on medical equipment. The Minister needs to make the point to the Chancellor that there is currently no capital support for the strategic transformation plans.

Transforming district general hospitals up and down the country will be difficult. Nevertheless, Kettering general hospital is innovating. It has installed a new modular unit to try to upgrade the A&E, with 13 major bays for complex medical and surgical needs. I remind the Minister that Kettering's A&E now treats 83,000 patients. It was designed to treat 40,000 and was built 20 years ago. Some £5 million has been spent on a new maternity unit, bringing state-of-the-art maternity services to the hospital, where 3,800 babies are delivered and 2,000 gynaecological and obstetric theatre procedures are carried out every year. Those developments are fantastic, but they are expensive and difficult for the Kettering General Hospital NHS Trust to afford.

My fourth point of five is about the national IT roll-out. Hospitals experience difficulties in complying with necessary advances in linking their IT systems to regional and national services. One example is the problem that local patients have experienced in getting their X-ray results. There is meant to be an integrated east midlands system for X-rays, but Kettering has experienced difficulties, and some delays in getting X-rays to patients have lasted three or four months, which the hospital admits is unacceptable. The Minister needs to be made aware of the IT challenge faced by district general hospitals.

On the workforce, Kettering is succeeding in recruiting staff, which is good news, but there are still vacancies. Of 1,200 nursing posts, 80 remain vacant as of today. Many of the nurses come from Europe and elsewhere. The hospital has recruited 72 European nurses and the good news is that 95% of them have stayed with the trust—the national average retention rate is 28%. On the Minister's visit to the hospital, he will be able to learn from a good example of how to retain hard-working

[Mr Hollobone]

staff, and he may be able to apply that elsewhere. In Kettering, 61% of people voted to leave the European Union, a fact of which I am hugely proud, but when we negotiate our Brexit terms and conditions, we must make provision to retain key personnel from the EU who bring to our country the skills we need and are unable to find among our own people.

Kettering general is a very good hospital, but it is under a huge amount of pressure. There are things that the Government can do to make it succeed. Along with my hon. Friends the Members for Wellingborough (Mr Bone) and for Corby (Tom Pursglove), I will be on the Minister's case for the rest of this Parliament to make sure that our hospital works properly and successfully, delivering the local patient care that people need and deserve.

2.45 pm

Mr Peter Bone (Wellingborough) (Con): I congratulate my hon. Friend the Member for Kettering (Mr Hollobone) on securing such an important debate and on the fact that he has consistently been a champion for Kettering's hospital. I am grateful to the Minister for making the effort to come here today to listen to this debate. Perhaps if he is able to visit Kettering general hospital, he will stop on the way to see the Isebrook hospital at Wellingborough, which is what I briefly wish to talk about.

The Isebrook hospital is what we might call a community hospital. At the moment, it is undergoing a refurbishment to provide new X-ray equipment. Our issue is that we should have a minor accident and emergency unit there. It is part of the overall hub plan, but because that plan has got bogged down in red tape and administration, the Isebrook expansion has not taken place. That is a mistake, because if we had such a unit at the Isebrook, 40% of the people who now go to Kettering's A&E would not need to go there, which would save an immense amount of money. By spending a little money now, we could save a lot of money, as well as make things much better for my constituents.

Tom Pursglove: We know that that is categorically the case, because Corby has the hugely popular and successful Corby urgent care centre, which was delivered under a Conservative Government and works incredibly well. Local people go there, rather than to Kettering general hospital. The hub-and-spoke approach is exactly the way forward, and my hon. Friend's constituency would benefit from it in the same way as Corby has.

Mr Bone: I am very grateful to my hon. Friend for his intervention. He is so active in Corby that it is no wonder that he has got his minor accident and emergency centre ahead of me, but we cannot have a hub-and-spoke system if one of the spokes is not there. It would not be a bad idea for the Minister to come and see physically why this unit is such a good idea.

2.47 pm

The Minister of State, Department of Health (Mr Philip Dunne): What a pleasure it is to join you this afternoon to participate in this debate on Kettering hospital, Madam Deputy Speaker. I congratulate my hon. Friend the Member for Kettering (Mr Hollobone), not just on

securing this debate, but on his persistence in keeping Kettering hospital at the forefront of the national debate on what is happening to our health service. He has taken an assiduous interest in promoting it at almost every opportunity, as he suggested today. Indeed, he raised the matter at my first Health questions earlier this month and was on his feet raising it again with the Prime Minister the following day. He is a worthy champion of the cause, and I am therefore fully aware of his interest in local health matters affecting his constituents.

I wish to join my hon. Friend in recognising at the outset the great work done by all our staff in the NHS right across the country, but particularly the staff who work in and around Kettering and the other hospitals we have heard of today from my hon. Friends the Members for Corby (Tom Pursglove) and for Wellingborough (Mr Bone). I was invited by two of the three Members who have spoken to attend their local hospitals—

Tom Pursglove: You are very welcome to Corby, too.

Mr Dunne: My hon. Friend, from a sedentary position, extends an invitation, too. I am grateful to all three hon. Friends. I am relatively newly in post, and the demands at present are to visit hospitals that are in greater difficulty than any of these cases, but I will endeavour to see what I can do during next year possibly to visit Kettering.

Mr Hollobone: One visit to all three of us would kill three birds with one stone.

Mr Dunne: I have responsibility for the acute sector, not the community sector, so initially my visit would be focused on Kettering hospital. I will certainly do what I can, but I think that it will have to be some time next year. My hon. Friend has previously met my predecessors to discuss health services in his constituency. He has raised a number of issues today, and I will attempt to address most, if not all, of them in the time that I have.

I wish to start with my hon. Friend's concerns about the underfunding of his local clinical commissioning groups. That was a point also raised by my hon. Friend the Member for Wellingborough. NHS England is working to move CCGs towards their target fair share of funding, but this has to take place at a pace that maintains stability in the system across the country at a time of significant financial challenge. I feel that quite acutely as a local Member of Parliament representing a rural constituency that has been consistently underfunded. We are taking steps, as I mentioned to the House in a debate earlier this week, to look at introducing a fairer share of funding for rural areas and addressing other issues such as social deprivation. A consequence of that has been to try to bring those CCG areas that are recognised to be underfunded closer to the target.

The point was made that Nene and Corby CCGs have been beyond 5% of the target. I am pleased to confirm the figures that were mentioned earlier by my hon. Friend the Member for Kettering: Nene and Corby CCGs received cash increases of 5.2% and 9.4% respectively in the current year. Those increases are significantly above the average for English CCGs and bring them both within 5% of their target allocation in this year. I think that 9.4% is one of the highest increases in allocation

that we have seen this year across the country, so I hope that he recognises that we are moving to right that historic challenge. This year, more than £757 million will go into my hon. Friend's local area, and allocations over the next few years should bring both Nene and Corby CCGs even closer to their funding target.

I will take a moment to touch on the national pressures that are affecting the NHS. The NHS is very busy, but hospitals are generally performing well. The latest figures for August 2016 show that more than nine out of 10 people were seen in A&E within four hours. During 2015-16, nearly 2,500 more people were seen in A&E each day within four hours compared with 2009-10.

Paramedics respond to the majority of life-threatening cases in under eight minutes. More than 567,000 emergency calls received a face-to-face response from the ambulance services across England in August 2016 alone—an average of 18,300 a day. Ambulance services are busy, which is why we are increasing paramedic training places by more than 60% in this year alone, on top of the 2,300 extra paramedics who have joined the NHS since 2010. That allows more than 200 additional ambulances to be deployed by the NHS compared with 2010.

Mr Bone: The Minister is making a very good point. Does he not accept that if an ambulance were to take a patient to the Isebrook hospital, it is 10 minutes' transport, but if it has to go to Kettering, it is 45 minutes' transport? Is that not the sort of thing that we should look at as an efficiency saving, which is worth the investment in Isebrook?

Mr Dunne: I would agree with my hon. Friend in the event that the hospital in Wellingborough were able to cope with the condition, but many of the most serious conditions need to go to the best place to deliver the service, even if it takes a bit longer to get there. The quality of treatment in our ambulances now, with the skills of the paramedics who are on board in almost all cases, is such that very few people die while in transit. They are kept stable, and they need to go to the best place for treatment.

Going back to the national picture, the NHS last year treated, on average, 21,000 more outpatients a day and performed more than 4,400 operations a day compared with 2010. There is substantially more activity across the NHS, which is one reason why we have recruited so many more clinicians to help cope with this activity. We now have over 8,500 more doctors and over 2,700 more nurses, paid for in part by having nearly 7,000 fewer managers. Ultimately, we want to reduce pressure on services by reforming the urgent care system and caring for people better in the community, and that is where I think some of the things being done and being planned for the Kettering area are so interesting. It is clear that the NHS in the constituency understands the scale of the challenge and is taking action to address it.

Mr Hollobone: We understand the scale of the challenge. The problem is that the urgent care hub proposals, which are really exciting and could be rolled out across the country, are now with NHS Improvement, and its say-so is required to go to the consultancy phase.

Mr Dunne: Indeed, and our plans for improvement and integration among collaborative NHS areas across the country, including the Kettering area, through the

sustainability and transformation plans are being delivered for each area today. NHS England will review those plans and decide to prioritise those that meet the national objectives and are best thought out.

In the past three years, including the current year, the Department has provided just over £37 million of interim revenue support and over £15 million of emergency capital to the trust. Since May 2010, capital expenditure on the hospital has amounted to £68.7 million, so it is receiving quite substantial support from the Department. The intention of the transformation work is to move to a position where the ability to cope with the remaining additional pressures on A&E and across the patient flow in the hospital is built in.

My hon. Friend the Member for Kettering said that the trust's emergency department was too small and too limited in scope, and he touched on the new construction completed this year to extend the scope of the A&E department. It was originally built 20 years ago for 40,000 attendances a year, but is now dealing with more than 82,000. But the trust has had some success in reducing A&E attendances; there are more than 3,000 fewer than six years ago. The measures to integrate with the surrounding area are therefore having an effect on reducing attendances, despite the growing demand overall.

The trust has recruited and trained additional medical staff. Since 2010, the trust has increased its doctors by 77, or 24%, to 394. That is one of the most significant increases I have seen thus far. Some of this has come from the recruitment of staff through the certificate of eligibility for specialist registration scheme, involving doctors who have, for example, completed their specialist training overseas and chosen to practice in this country.

My hon. Friend and my hon. Friend the Member for Corby referred to proposals to develop the urgent care hub at the hospital. The aim is to develop a one-stop shop, which will enable patients to use primary care facilities, rather than A&E, by having these services co-located on the Kettering general hospital site. These services would enable rapid assessment, diagnosis and treatment by appropriate health and social care professionals. Patients would be streamed into appropriate treatment areas to minimise delays and reduce the need for admissions. This is an example of best practice across the NHS; it is what we are trying to introduce to relieve pressure on clinicians in the A&E department.

My hon. Friend the Member for Kettering raised the possibility of capital investment to develop this hub. The Department's position has not changed. We are looking to the trust to take responsibility for developing and taking forward its own capital investment proposals. Foundation trusts, such as Kettering, can apply to the Department's independent trust financing facility for a capital investment loan. They need to work closely with local planning authorities to ensure that developer infrastructure contributions can be taken into account as a source of funding.

I hope that these plans will be successful as they emerge through the STP, and as I have said, I hope that I will find an opportunity to visit Kettering on one of my visits north if I am allowed to do so on a suitable day when not required here in the Chamber.

Question put and agreed to.

3 pm

House adjourned.

Written Statements

Friday 21 October 2016

DEFENCE

Successor Submarines

The Secretary of State for Defence (Sir Michael Fallon):

I am pleased to announce that the next generation of nuclear-armed submarines will be known as the Dreadnought class, and that the first is to be named HMS Dreadnought. Construction of the first submarine formally began on 5 October 2016.

Dreadnought is a name with an excellent historical pedigree, traditionally used for powerful and innovative ships and submarines at the leading edge of technology and is a fitting name both for the class and the first submarine of that class. There have been nine Royal Navy vessels of the name, the most recent being Britain's first nuclear-powered submarine, launched on this day, Trafalgar Day, in 1960 following her build at Barrow. The new Dreadnought submarines continue Barrow's long association with submarine construction.

These submarines, the first of which we expect to enter service in the early 2030s, will replace the current Vanguard class submarines as the ultimate guarantee of our nation's safety.

[HCWS206]

HEALTH

Health Informal Council

The Parliamentary Under-Secretary of State for Health (David Mowat): My hon. Friend the Parliamentary Under-Secretary of State for Health (Lord Prior of Brampton) has made the following written statement:

An Informal Health Council meeting was held in Bratislava on 3-4 October 2016 as part of the Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council formation. Lord Prior, Parliamentary Under-Secretary of State for Health, represented the UK.

Food reformulation

During a discussion about food reformulation, the UK updated Ministers on the introduction of a sugar levy on soft drinks and the importance of looking at how to best inform the population on links between sugar and obesity. The UK outlined key parts of the UK childhood obesity and talked about the importance of focusing on children, and influencing behaviour at an early age. The UK also stated commitment to working with others to tackle different issues whilst taking forward an exit from the EU.

Medicine Shortages

There was widespread agreement amongst Ministers on the importance of working together and sharing information to tackle medicine shortages. There was recognition that shortages occur for a wide variety of reasons and that there is no one solution. The UK explained that there was fragmentation within national systems and expressed caution on whether an EU wide solution to these problems was practically possible. The UK expressed recognition of member states' concerns about pricing, but stressed the importance of a vibrant life-science sector. The UK also underlined anti-microbial resistance (AMR) as an area where action was needed to ensure the development of new drugs.

Tuberculosis

There was support from member states for an EU framework on tuberculosis (TB) which would also include hepatitis B and C and HIV given the significant overlap between the conditions. There was also agreement on the need to share information, to work with the eastern neighbourhood and support for a civil society forum. Current work was outlined, including the EU joint action on TB, the European Commission contribution to the Global Fund and the World Health Organisation (WHO) TB action plan. The UK updated the meeting on the new UK national strategy on TB, which takes a multi-sectoral approach and complements the WHO strategy. The UK also highlighted links with AMR.

Vaccination

During a discussion about how to increase vaccine uptake across the EU, the UK highlighted work undertaken to increase vaccine coverage in the UK — including through action on shortages, communication campaigns and through forecasting and planning. The UK supported further international work on the issue and, with other 4, agreed on the importance of sharing information. The UK also mentioned links between increased vaccine uptake and tackling AMR.

AOB

The Czech Republic invited Ministers to a joint ministerial meeting on health and the environment in Ostrava on 13-15 June 2017. There was also an item about European Commission work on patient safety.

[HCWS208]

HOME DEPARTMENT

Justice and Home Affairs Council

The Secretary of State for the Home Department

(Amber Rudd): The first formal Justice and Home Affairs Council of the Slovak presidency took place on 13 and 14 October in Luxembourg. The Minister for Policing and the Fire Service, my right hon. Friend the Member for Great Yarmouth (Brandon Lewis), attended justice day and I attended interior day. My right hon. Friend the Lord Advocate, James Wolffe QC, also attended the Council.

Interior day (13 October) began with an update from the presidency on the implementation of the European Border and Coast Guard Agency regulation. The agency was launched on 6 October. The UK does not participate in this measure.

The Council then discussed IT measures related to border management. The presidency encouraged member states to stress to their MEPs the importance of agreeing the regulation on systematic border checks quickly due to the ongoing risk from foreign fighters. The presidency also highlighted the entry-exit system (EES) as an important security measure and announced that a proposal on the new EU travel information and authorisation system (ETIAS) would be published by the Commission in late October. The Commission noted that a proposal revising the second generation Schengen information system (SIS II) would be published before the end of this year. The UK will not participate in systematic checks, ETIAS or EES as they are Schengen- building measures. The UK participates in SIS II.

The Commission provided an update on the implementation of agreed migration measures, including hotspots, reception conditions, asylum processing and

returns. I reiterated the UK's commitment to supporting efforts to address the migration crisis and increase security across the EU, with a particular focus on upstream migration and the effectiveness of returns.

Over lunch, Ministers discussed developing partnership frameworks with third countries to manage migration to the EU, and issues relating to temporary internal Schengen borders.

The Council then turned to the reform of the common European asylum system (CEAS) and the resettlement framework. The presidency outlined its proposed approach, which would focus on the Eurodac and EU Asylum Agency (EUAA) proposals in particular. The Council agreed that the current Eurodac proposal should aim to simplify law enforcement access to Eurodac. The UK supports this approach.

Under any other business, there were updates on a Belgian project on returns (EURES CRIM), and from the presidency on the ministerial conference of the Prague process held on 19 and 20 September in Bratislava.

Justice day (14 October) started with a discussion on the protection of the Union's financial interests directive (PIF), specifically the inclusion of VAT fraud in the

directive. The presidency concluded that the majority of member states supported the inclusion of certain serious cross-border VAT fraud in the PIF directive. The UK does not participate in PIF.

The Commission presented a cost-benefit analysis of the European Public Prosecutor's Office (EPPO), concluding that the benefits would significantly outweigh the costs. The presidency concluded that there was "broad conceptual support" for the four provisions under discussion: relationship with Eurojust; judicial review; relations with third countries; and relations with non-participating member states. The presidency aims to reach agreement on the Council position on EPPO at the December JHA Council. The UK will not participate in the EPPO.

At lunch, the presidency led a discussion on the role of Eurojust in combating terrorism, with a focus on data sharing.

Under any other business, the presidency updated Ministers on current legislative proposals and the Commission presented a note on hate crime in the EU. The Policing Minister supported the Commission's message that hate crime has no place in our society and set out UK measures to combat hate crime.

[HCWS207]

WRITTEN STATEMENTS

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